WALGETT SHIRE COUNCIL

AGENDA

16 OCTOBER 2007

Stephen McLean
General Manager

16 October 2007

Administrator
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

NOTICE IS HEREBY GIVEN that the Ordinary Meeting of Walgett Shire Council will be held in the Carinda Town Hall **commencing at 10.00am.**

AGENDA

PUBLIC FORUM PRESENTATIONS

(*limited to five minute presentations, and must relate to items listed within the Business Paper, with two speakers, speaking for the item and two speakers, speaking against the item to be considered)*

WELCOME TO VISITORS
(recognising the original Aboriginal caretakers of the lands covered by the Shire)

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD 18 September 2007

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No reports submitted

SECRETARY RESERVE TRUST, MANAGEMENT COMMITTEE REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 1

Subject: Acceptance of Reserve Trust Minutes

Author: Kaye Stone – Secretary of the Reserve Trust

File No: 280/01/00/00

Summary:

This report recommends that Council accepts all the recommendations of the reserve trust meetings held 16 October 2007.

Comments (including issues and background):

Council as the appointed reserve trust manager has certain responsibilities in its role as manager they include;

- Develop and implement Plans of Management in accordance with the *Local Government Act 1993* and *Crown Lands Act 1989*
- Making regulatory decisions eg; use of the reserve, hours of entry, fees and charges etc
- Adopting Codes of Conduct
- Financial record keeping
- Counter-signing of development application and grants
- Holding Reserve Trust meetings as required

Reserve Trust Management Meetings are held prior to the Council meeting on the 3rd Tuesday of the Month. Members of the public are welcome to attend and can obtain an agenda on the relevant reserve by contacting Council.

Relevant Reference Documents:

- Reserve Trust Minutes

Stakeholders:

- Walgett Shire Council
- Reserve Trust Management Committees
- Department of Natural Resources
- Department of Lands

Financial Implications:

There may be costs associated with resolutions of the Reserve Trust meetings. These will be stated in the relevant Reserve Trust Minutes.

Recommendations:

1. **That Council endorse the resolutions of the Reserve Trust meetings held 16 October 2007.**

2. **That Council takes action to implement the resolutions of the Reserve Trusts.**

ADMINISTRATOR'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No:

Subject:

Author:

File No:

No Reports Submitted

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 2

Subject: Capital Expenditure Review

Author: General Manager - Stephen McLean

File No: 180/03/00/00

Summary:

Council is required to complete a capital expenditure review for projects in excess of $0.5 million. This review is considered to be a necessary part of the council's capital budgeting process and as such is being undertaken as part of the process for the planned development of new staff residential accommodation. This report and its outcome are to be submitted to the Department of Local Government once considered by Council.

Comments (including issues and background):

In accordance with Circular 97/55 from the Department of Local Government the following issues are being considered:

1. Justification of the need for additional facilities based on firm estimates of future demands.

   - *Walgett Shire's Council current housing stock is inadequate as all properties are currently tenanted. There is a foreseen need for 4 homes in Walgett in the next 12 months.*

   - *Private rental accommodation is very difficult to source and a check with both local agents shows no properties are currently available*.

2. Prioritise the project in relation to existing capital commitments and future works.

   - *As stated the need is significant in order to allow the attraction and retention of suitable skilled staff. Council has no other current major capital expenditure on facilities other than road construction.*

3. Consider the full range of project alternatives including;

   - alternative service delivery:- centralise/decentralise; external provision of services etc.

   ➢ *These options are not applicable in this case.*

   - alternative methods of acquisition:- rent; renovate; construct; purchase existing building etc.

   ➢ *Council has recently purchased a residence that is suitable, but properties such as those preferred by Council are not available on the market for purchase or rent. The renovation of current properties is occurring where the property is worth the expenditure and retention.*

4. Consider all financial implications such as;

   - sources of funds

   ➢ *Council intends to borrow the funds at commercial rates.*

   - the cost of funds and the effect on debt servicing (including internal reserves)

   ➢ *These have been considered and factored into Councils Management Plan and Budget.*

   - Consequential recurrent costs:- maintenance, debt servicing, staffing

   ➢ *These have been considered and factored into Councils Management Plan and Budget. It is considered that the development of new housing will reduce Councils maintenance costs.*

   - loan repayment details including cash flow analysis

   ➢ *These have been considered, factored into Councils Management Plan and Budget and submitted to the Department of Local Government.*

   - in the case of business undertakings costing should apply full competitive neutrality pricing requirements.

   ➢ *Not applicable as the housing is intended for Council staff and not for commercial rental.*

5. Report on the public consultation process including responses to the draft Management Plan.

   ➢ *The public consultation was undertaken in conjunction with the management plan for 2007/8 and submissions considered at that time.*

Relevant Reference Documents:

Circular 97/55 from the Department of Local Government

Stakeholders:

Walgett Shire Council

Financial Implications:

The financial borrowing of $1,500,000.00 and repayments for this project has been considered and are included in the Management Plan and subsequent year's forecasts.

Recommendation:

That Council receive and note the Capital Expenditure Review for the proposed borrowing of funds for the development of residential housing.

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 3

Subject: Darling River Run Nomination

Author: General Manager - Stephen McLean

File No: 245/02/01/00

Summary:

Council as a member of the Outback Regional Tourism Organisation (ORTO) has been requested to nominate a member for the Darling River Run Committee

Comments (including issues and background):

ORTO has been successful in obtaining funding of $500,000.00 over a two year period for the Darling River Run, which covers an area across the Walgett, Brewarrina, Bourke, Central Darling and Wentworth Shires. The funding is to be used to promote the region and the roads leading through this area to tourists. Council has been requested to nominate a member for a committee as required by the Australian Tourism Development Program (ATDP) funding agreement. It is felt that the most appropriate person to be nominated is Council's Tourism Development Officer Miss Alana Douglas.

Relevant Reference Documents:

Letter from ORTO dated 2 October 2007

Stakeholders:

Walgett Shire Council
ORTO

Financial Implications:

Nil

Recommendation:

That Council nominate its Tourism Development Officer, Miss Alana Douglas as its representative for the Darling River Run Committee.

Outback Regional Tourism
Organisation
PO Box 222
GALSTON NSW 2159
ABN 89 069 430 557
Ph 02 8208 6122
info@visitoutbacknsw.com.au

Stephen McLean
General Manager Walgett
PO Box 31
Walgett NSW 2832

2nd October 2007

Dear Stephen,

Welcome to the first ATDP funded Darling River Run Project News update.

You would have no doubt heard by now that ORTO (Outback Regional Tourism Organisation) has been successful in obtaining $500,000 for the promotion of the Darling River Run over two years. There was strong competition with over 150 applicants seeking financial assistance for various projects.

This is very exciting, yet is only a small way towards where we want to be in accessing more resources for the promotion and development of tourism to our area.

Firstly, I would like to thank those councils who have committed support in-kind to the project for the erection and maintenance of signage for the Darling River Run; Walgett, Brewarrina, Bourke, Central Darling & Wentworth.

The next step for the project to get under way, is for me to wade through the contract and then to form our committee as required by all Category 2 ATDP Grant recipients. As per the application, plus a few additional representatives, I suggest that the committee consists of the following:

- Walgett Representative
- Brewarrina Representative
- Bourke Representative
- Central Darling Representative
- Broken Hill Representative
- Wentworth Representative
- Tourism Industry Representative
- DEC Representative
- TNSW Representative
- Catchment Management Authority Representative from the area

As the committee members have not yet been decided upon I have copied all General Managers in the nominated Darling River regions as well as tourism managers and the

nominated ORTO Board Members. I have also included Department of Environment and Conservation, Broken Hill and Tourism NSW as recipients and potential committee members. I have also copied in the remaining ORTO Board Members to keep them in the loop, as this marketing activity will compliment and also feed off current marketing activities in place under ORTO.

I would like to request that each council area consider their nominated party for the committee and submit a letter with the attached form to ORTO with this information. Please submit this information by Monday 22nd October 2007.

Please note that this committee will be quite involved and active in the project so please consider this when thinking of your nominated person.

Many Thanks and I look forward to hearing from you.

Yours faithfully,

Lori Modde

Lori Modde
Executive Manager

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 4

Subject: Report on Management Plan 2007/2008

Author: Stephen McLean – General Manager

File No: 145/11/07/00

Summary:

This report summarises Council's achievement against its objectives established in it 2007/2008 Management Plan.

Comments (including issues and background):

Under Section 407 of the *Local Government Act 1993* the General Manager is required to report progress against the Management Plan to council within six weeks of the end of each quarter.

Relevant Reference Documents:

- Local Government Act 1993
- Walgett Shire Council Strategic / Management Plan 2007/2008

Stakeholders:

Residents and Council of Walgett Shire

Financial Implications:

Nil

Recommendation:

That the Management Plan 2007/2008 first quarter report be received.

MANAGEMENT PLAN
2007/2008 – 2011/2012

GENERAL MANAGER

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
1.	To promote better practice and encourage improvement in the way Council conducts its activities and ensure good governance	Completion of the Local Governments Self Assessment Checklist. Report to Council any discrepancies	On going	General Manager	Checklist completed and reported to Council
2.	To develop and improve the aesthetic physical characteristics of the Shire.	Develop an organisation culture to ensure all work undertaken by staff is done with pride, care and commitment.	Parks, gardens, road reserves and town entrances are clean, tidy and attractive and Council assets are kept to a standard that sets a good example for the community.	General Manager	Town entry signs are currently being designed
3.	To be actively involved in developing the strategic vision of the Shire through informed staff involvement	Identify and provide training. Staff appraisals to include reference to actions required to achieve training and multi skill objectives.	All staff appraised by June 2007 and training calendar developed by August 2007.	General Manager	Staff appraisals completed Training calendar developed and implemented
4.	To be a good employer and provide leadership through a safe and productive workplace.	Develop an organisational culture, which acknowledges dedication and innovation. Staff and Elected Members to be encouraged to self/accept nomination for training which develops innovation, creativity and lateral thought in addressing existing or new challenges.	Staff appraisals by Supervisor and Departmental Manager to be completed by June of each year. Monthly Employee of the Month to be recognised for dedication and innovation of employees. Councillor Training to be implemented in 2008, prior to elections.	General Manager	Appraisals complete Employee recognition given Discussions held with electoral commission

GENERAL MANAGER

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
5.	To Provide training for newly elected Councillors.	Ensure that all newly elected Councillors are provided with the necessary training as required by the Department of Local Government.	Completed by March 2007.	General Manager	Not Applicable
6.	To provide strong local and regional leadership.	Council will encourage greater involvement and participation in regional and state activities by its senior staff and Council representatives.	Participants reporting to Council on the outcomes of external meetings attended. All senior staff active members of relevant professional groups.	General Manager	Reports being received Complete
7.	To ensure that Council's corporate planning needs and policy decisions meet the requirements and expectations of the community and comply with the legislative requirements.	Council will consult widely and communicate decisions effectively.	Council's website will be updated regularly and contain relevant and current information. Council will advise through press releases and information passed onto Precinct Committees and Community Working Parties.	General Manager	Website maintained Advice being distributed

MANAGEMENT PLAN
2007/2008 – 2011/2012

GENERAL MANAGER

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
8.	To ensure responsible and good governance.	All ordinary meetings and special meetings of Council are appropriately advertised to the public. Walgett Shire Management Plan 2007/2008-2011/2012 is prepared and adopted.	All meetings are advertised to comply with the Local Government Act 1993. Opportunities are provided to the public, to address agenda items at every meeting. By 30 June 2007	General Manager	Meetings to date compliant Objective met Complete
9.	To Strengthen and maintain involvement in the delivery of services to the community through a transparent process of networking and partnerships.	Support and promote a coordinated approach to planning of services with youth, families and service providers. Investigate library operations with Northern Regional Library to improve utilisation of library resources. Assess child care options and opportunities for the provision of adequate child care for families within the Shire.	Continue to assist the Walgett Interagency Committee with the Shire Youth Plan. Increase in general activity and borrowings in our libraries. Aim to have greater than 6 carers in place by April 2008. Continue support of Walgett Preschool and Long Day Care Centre Inc.	General Manager	Council member of Youth Sub Committee Regular exchanges occurring with Northern Regional Library Library hours have changed and monitored Continuing to advertise vacancies for carers

MANAGEMENT PLAN
2007/2008 – 2011/2012

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
1.	To consult with the Community and wider regional Council's to ensure ongoing well planned and appropriate road network development.	Council to prepare a new five year Strategic Road Plan for the period 2008/2013.	Consultation with Shire residents and other local organisations. Complete document review by December 2007 and adopt reviewed document by March 2008.	Manager Engineering	Five Year Road Plan has already been reviewed. Further reviews will be undertaken as needed
2.	To actively pursue external funding opportunities relative to engineering projects.	Identify a link between available funding programmes and Council projects and, working particularly with community groups, prepare and submit funding applications.	A minimum of four funding submissions proposed and submitted. Ongoing.	Manager Engineering	One funding submission has been submitted to date (REPAIR Programme)
3.	To Provide and maintain facilities which meet reasonable community standards.	Audit all facilities currently available in the Shire and assess future requirements.	Community consultation on assessed future requirements by Council. Utilisation of Council facilities. Ongoing internal audit of Council facilities	Manager Engineering	No progress achieved to date on this. Likely action in December/February when field activities are more subdued.

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
4.	To provide an efficient and reliable kerbside domestic waste collection service.	Provide a weekly kerbside collection service to designated built up areas. Respond to complaints in a timely fashion.	To provide a minimum of one collection service per week. Respond within 72 hours Ongoing.	Manager Engineering	This service is being provided as per management plan indicators
5.	To Manage Council swimming pools in accordance with relevant legislation.	Maintain a frequent liaison with the Pool Operators' at each facility.	An increase in total patronage. An amenity which meets relevant legislation and acceptable standards. Ongoing	Manager Engineering	Cannot report on this at this time, only setting up pools for 2007/08 swimming season at this stage.
6.	To investigate options for improving heavy vehicle passage through the towns of Lightning Ridge and Collarenebri.	In consultation with the Roads and Traffic Authority and the Community, review available options and prepare a report to Council on these options.	To review the situation regarding heavy vehicle access through Lightning Ridge Township by 30 April 2008. Review heavy vehicle passage through Collarenebri by April 2009.	Manager Engineering	No progress as yet.

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
7.	To provide street lighting to urban areas using energy efficient lighting at the most competitive cost.	Assess adequacy of street lighting in Lightning Ridge Town area in consultation with Country Energy and the Community in an effort to improve levels of service and efficiency.	Review street lighting in the Shire over a three year return period, undertaking a review in Lightning Ridge in 2007/2008.	Manager Engineering	No progress as yet
8.	To progressively remove trees from public areas which are considered to be inappropriate because of either species type or location and where appropriate replace with a more suitable tree.	Identify trees considered to be inappropriate after consultation with Country Energy and / or others, and report findings to Council.	Twenty trees removed and replaced with trees of more appropriate species and / or in a better location. Ongoing.	Manager Engineering	Council report October Meeting
9.	To reduce the number of overloaded vehicles using Council's roads network.	Attend meetings of the North West Weight of Loads Committee and analyse breach report information.	A reduction in the number of recorded breaches, relative to the hours worked by Weight of Loads Inspectors. Ongoing.	Manager Engineering	One meeting attended to date. Recorded breaches are down at this stage.

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
10.	To identify and respond to issues which adversely affect road safety.	React to matters identified by either; correction, referral to Local Area Traffic Committee or referral to a future works programme.	Complete inspections on Council's complete public roads network. A minimum of four times per annum.	Manager Engineering	100% completed
11.	To close Waste Disposal Depots in Collarenebri, Carinda, Rowena and Burren Junction and replace these facilities with Waste Transfer Stations.	To develop proposals to close village waste depots and introduce transfer stations at these locations, maintaining consultation with the community and the Department of Environment and Conservation throughout the process.	Close Waste Disposal Depots at Burren Junction and Rowena and replace them with Waste Transfer Stations by 30 June 2008.	Manager Engineering	No waste depots have been closed at this stage. Upgrades are under construction to segregate recyclable materials
12.	To provide waste disposal facilities in Walgett and Lightning Ridge which meet environmental standards, as well as the ratepayer's reasonable expectations.	To operate the Walgett Waste Disposal Depot in accordance with licence conditions. Construct a new Waste Disposal Depot at Lightning Ridge.	To meet all licence conditions applicable to the Walgett Waste Disposal Depot. Complete construction of new Waste Disposal Depot at Lightning Ridge by 30 June 2008. Ongoing.	Manager Engineering	All license conditions at Walgett are being met. It is highly unlikely that a new waste depot in Lightning Ridge will have been completed by 30 June 2008

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
13.	To operate sewerage treatment and effluent disposal schemes in Walgett, Lightning Ridge and Collarenebri in accordance with legislative requirements	Review the operation of all schemes, and prepare network maintenance and development plans.	Sewerage system chokes and overflows do not exceed numbers of the previous years.	Manager Engineering	This target is being met at this stage
14.	Implement a user pay system that also encourages efficient water use.	Develop a new pricing policy and implement a public relations programme to complement it.	Introduce a charging regime for water customers based on consumption.	Manager Engineering	Progress is behind schedule regarding the introduction of user pays water supply delivery
		Repair and install Water meters in designated urban areas with the objective of introducing consumption based pricing in 2008/2009.	Prepare a charging regime for water customers based on consumption for introduction in 2008/2009.		
		Maintain customer access to water conservation information through http://www.savewater.com.au	On going		

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
15.	To professionally manage Council's assets and ensure reasonable needs of Council are met.	Undertake re-valuation of all Council assets.	Domestic Waste by December 2007	Manager Engineering	Some progress has been achieved against these tasks but none is complete as yet
		Develop and implement twenty year asset management plans for all infrastructure assets.	Council Housing by March 2008 Transport infrastructure by June 2008 Water and Sewer by December 2008 Recreation and Community assets by June 2009 Administrative assets by June 2009		
		Assess initial condition of road and bridge assets.	Assess trends in asset condition.		
		Review the fifteen year plant replacement program.	Review by March 2008	Manager Engineering	
		Maximise availability and utilisation of all major Council plant.	Ongoing 85%availability rate	Manager Engineering	
		Review on an annual basis, the plant hire fees.	Completed annually	Manager Engineering	

MANAGER ENGINEERING

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
16.	To operate aerodromes at Walgett, Lightning Ridge and Collarenebri in accordance with relevant legislation.	Maintain daily (Monday to Friday) safety inspections of these aerodromes. Maintain an inspection Schedule at Collarenebri Aerodrome consistent with usage and climatic factors. Meet with aerodrome users, including RPT providers, at least annually to discuss operations.	No breaches of relevant legislation. The financial loss of the aerodromes is kept below $140,000.00.	Manager Engineering	No reported breaches of legislation. Too early in the financial year to forecast operating deficit
17.	To provide a water supply to Walgett, Collarenebri, Lightning Ridge, Carinda, Cumborah and Rowena.	Respond to any decline in water quality.	Adverse results addressed where possible.	Manager Engineering	No adverse test results to date in 2007/08
18.	To introduce annual stormwater management service charges.	To investigate stormwater activities in consultation with the Walgett Shire Community.	Inclusion of the proposed stormwater management activities in Draft Management Plan 2008/2009	Manager Engineering	No progress as yet
19.	To identify options for the introduction of a village water supply to Burren Junction.	To investigate, in consultation with the community, the need for a village water supply, in addition to the ability and willingness of the community to meet costs associated with introduction of a water supply.	Complete consultation with the community by 31 March 2008 and report results to council by 31 May 2008.	Manager Engineering	No progress as yet

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
1.	Support the development of active and creative community members, working in partnership with community, business and Government.	Actively support, develop and promote community services and strategies which address existing and emerging needs.	Use Precinct Committees, Community Working Parties to assist Council with community development. Respond to issues raised within thirty days taking appropriate recommendations to Council.	Manager Corporate Services	Ongoing Staff attend precinct meetings as requested Precinct minutes submitted to Administrator for action Community consultation regularly sought Ongoing Targets met
2.	Provide an efficient timely and user friendly response to client requests and concerns.	Council will maintain and improve its customer action request statistics.	Customer Action Requests System average days outstanding <45 days, will quarterly average and be maintained at 80% minimum. All customer enquiries and complaints will be dealt within five working days.	Manager Corporate Services	Targets met Ongoing, Council Management ensure dealt with in a timely manner

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
3.	Ability to provide people with better opportunities for involvement and consultation about our decisions.	Maintain and publish policies and procedures which promote confidence in the conduct of Council.	Publish newly approved or amended policies on Council's website within thirty days of their adoption by Council.	Manager Corporate Services	Policies placed in website following adoption at Council Meetings
4.	To provide services to meet the needs of people from cultural and linguistic backgrounds.	Review Local Ethnic Affairs Priorities Statement (LEAPS) and Action Plan 2006-2009.	Completed by December 2007	Manager Corporate Services	To be presented at December Meeting
5.	To support individuals and groups taking initiatives to protect, restore, enhance and conserve the environment of the area.	Respond and actively support or refer initiative from community to protect the environment.	The Shire will be involved in the Business Clean Up Campaign and any environmental initiatives with which Council can assist.	Manager Corporate Services	To be held 15 March 2008

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
6.	Provide an organisation that displays good management and strong forward planning.	Prepare detailed Management Plan encompassing annual operating budget	Completed by June 2008	Manager Corporate Services and General Manager	On Target
		Management Plan and Budget Review undertaken on a quarterly basis.	Completed October 2007, February 2008, April 2008 and July 2008	Manager Corporate Services and General Manager	On Target
		Rates and Annual Charges Outstanding reduced by sale of land for unpaid rates, agreements and strong debt recovery policy.	Rates and Annual Charges outstanding reduced to 9% by June 2010. Annually hold sales of land for unpaid rates in accordance with S713 of LGA.	Manager Corporate Services	11.11% for 2006/2007 Sales held in May each year, last sale on May 2007
		Unrestricted current ratio remains at an acceptable level above 2:1	2:00:1 Unrestricted current ratio maintained	Manager Corporate Services	Target being met 2006/07
		Debt Service Ratio remains below 10%	Below 10% Maintained	Manager Corporate Services	Target being met 2006/07

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
7.	Provide a secure and compliant Records Management Regime.	Continue with the effective "Authority" record keeping system, in keeping with its obligations under Australian Standards (ISO 15489 as amended)	100% operational with suitably qualified staff. Ongoing	Manager Corporate Services	Ongoing, all records managed in accordance with Australian Standards and organisational needs.
		Implement electronic record keeping for assessment of effectiveness for Council documents and records.	100% operational with suitably qualified staff by March 2008.	Manager Corporate Services	Investigations ongoing
8.	Council to be an advocate for social matters on behalf of the Community.	Complete Social Plan	Draft Complete by June 2007. Adopted by August 2007	Manager Corporate Services	Adopted 21 August 2007
		Report to Council achievements of the Social Plan	Completed by November 2007.	Manager Corporate Services	To be reported at December's Meeting
		Continually update Council Website.	Ongoing	Manager Corporate Services	Website updated on a weekly basis

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
9.	To ensure that Information Technology is adequate for the organisation.	Continue implementation of "Conquest" System to ensure more effective tracking of Council assets.	Ongoing	Manager Corporate Services	Fully Implemented
		Continually review "Authority" System to ensure that it is used at full capacity.	Ongoing	Manager Corporate Services	Ongoing – Bank Reconciliation system to be fully implemented
		Provide ongoing training and support to all staff.	Ongoing	Manager Corporate Services	Ongoing training provided to all staff within budgetary constraints
10.	To provide quality service to all customers.	Measure performance through the use of a Customer Satisfaction Survey.	A minimum of 160 surveys per annum, tracking individual responses and mean averages for each survey. An average of four to be targeted:- 1= Poor, 2= Fair, 3= Good, 4= Very Good, 5= Excellent Ongoing	Manager Corporate Services	Customer request system being non operational for this period
		Review the operation of customer service area.	Ongoing	Manager Corporate Services	Staff training ongoing & currently displaying work of local schools
		Further review and develop processes and procedures to ensure optimal delivery and customer satisfaction.	Ongoing	Manager Corporate Services	Ongoing training with processes continually developed

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
11.	To provide a highly skilled and motivated workforce.	Staff are continually provided with adequate resources and training when required to ensure optimal productivity.	Percentage of staff at skill level 2 and above is over 60% by March 2007.	Manager Corporate Services	47% staff at skill level 2 or above
		Staff turnover is kept at an acceptable level of industry standard.	Labour turnover is below average industry standard.	Manager Corporate Services	5.5% turnover for the period to Sept 2007
12.	To network with other Councils and the State Government funding providers to achieve major sustainable benefits through tourism and visitation programs.	Report to Council Achievements of Tourism Marketing Plan.	Completed November 2007	Manager Corporate Services	To be presented at December Council Meeting
13.	To provide an image of Walgett Shire that presents as a tourism destination.	Develop a program to improve presentation of shire towns and entrances.	Completed by July 2007	Manager Corporate Services	New Signage for town entrances will be installed by December 2007 Plan for gradual bar removal & CBD environmental upgrade for Walgett included in Council's application to NCCPP application in Partnership with local police and community Ongoing community consultation

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
14.	To make information regarding structured tour options available to all visitors to the Shire.	Review and update existing tourism information and pamphlets.	Ongoing	Manager Corporate Services	Complete
15.	To offer equal opportunity to all young people within our shire, striving to achieve positive outcome for the benefit of all youth in the shire.	Development of Youth Services Strategy	Completed by September 2007	Manager Corporate Services	Due to extensive ongoing programs this strategy will not be presented until December 2007
		Provision of Quality Supervised Programmes to engage and maintain their attendance relevant to the youth of today and to provide a safe and enjoyable environment	Youth centre attendance figures maintained and increased by 50%.	Manager Corporate Services	Collarenebri approx 15-20 per day. Lightning Ridge approx 15-20 per day Walgett – average 60 for PCYC. Approx 30-40 per day
			Further Staff appointment and training by June 2008	Manager Corporate Services	All youth workers & Youth Development Officer commenced study Cert III Community Services All youth staff have undertaken First Aid training Youth Development Officer – Management Skills Training Cultural Awareness Training

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
			Positive Community feedback	Manager Corporate Services	Positive Feedback ongoing
		Renovation of Youth centre buildings to ensure safety standards are met.	Completed by December 2007	Manager Corporate Services	Walgett Youth Centre currently being complete Upgrade on target
16.	To enhance, support and sustain economic development in the Walgett shire.	Develop an Economic Development Plan	Completed by September 2007	Manager Corporate Services	
		Develop strategies and events for the effective marketing and promotion of the shire.	Reactivation of Chamber of Commerce in Walgett, Lightning Ridge and Collarenebri.		Position of Economic Development Officer recently advertised following position vacant since 1 July 2007
		Access funding opportunities relevant to Economic Development in the Walgett Shire.	Ongoing		
		Look for Business opportunities which have the potential to bring income to the Shire.	Ongoing	Manager Corporate Services	
		Provide support to existing businesses in the Shire.	Ongoing		Ongoing

MANAGER CORPORATE SERVICES

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
17.	To ensure a high quality of service and responsiveness to the needs of the Aboriginal community within Walgett Shire.	Develop an Aboriginal Employment Strategy. Develop School to Work Programme Formalise partnerships with Agencies such as Community Facilitator, Interagency groups and Dharriwa Elders group, in order to Provide support to Aboriginal community members in liaising with these agencies.	Draft Completed by November 2007 Adopt and implement a Walgett Shire Learning Program by August 2007. Ongoing	Manager Corporate Services	Draft to be presented at November Meeting Fully implemented and operational Ongoing

MANAGER PLANNING AND REGULATION

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
1.	To promptly and professionally assess development proposals.	Process Complying Development Certificate Applications. Process Construction Certificate and Development Applications	90% of complete applications are finalised within 7 days. 80% of complete applications are finalised within 40 days.	Manager Planning and Regulation	Target met (9 applications average 3.56 days) Target met (14 applications average 33.36 days)
2.	To develop a Local Environmental Plan that brings Walgett Shire in line with current New South Wales standards.	Prepare and adopt a land use study and strategy. Prepare and adopt a Local Environmental Plan based on the land use study and strategy.	Currently in draft form and due for finalisation by May 2007. Draft Environmental Plan to be finalised by December 2007.	Manager Planning and Regulation	Publicly exhibited 30/07/2007 to 30/09/2007
3.	To provide companion animal management and control services.	(a) Address emergency situations where dogs are attacking people and animals. (b) Micro chipping of companion animals.	(a) All attacks are investigated within 24 hours of notification. (b) 90% of animals are micro chipped within three working days of request.	Manager Planning and Regulation	Target met Target met
4.	To ensure that dilapidated premises and environmental health matters are addressed to minimise risks to the public.	Complaints will be promptly investigated.	Action will be taken within two weeks to address 90% of complaints received.	Manager Planning and Regulation	Target met
5.	Minimise the risk of significant environmental pollution.	Respond to major pollution incidents.	All reported major incidents are investigated within 24 hours.	Manager Planning and Regulation	No major incidents reported

MANAGER PLANNING AND REGULATION

No	Mission Aim	2007/2008 Activity	Measurement, Method and Target	Responsible Manager	Status
6.	We will responsibly manage planning and environmental issues, while taking into account the needs of the community and we will update means of acquiring information for users.	Integration of GIS (Geographical Information System) into present corporate software package.	Continual operational updates.	Manager Planning and Regulation	High resolution (2.5m satellite imagery acquired during period)
7.	To monitor algal blooms within the Namoi and Barwon Rivers.	Submit samples of river water from Collarenebri and Walgett to the Department of Natural Resources for analysis of algal content.	Samples are submitted on a weekly basis in summer and fortnightly in winter.	Manager Planning and Regulation	Target met
8.	To provide a water supply to Walgett, Collarenebri, Lightning Ridge, Carinda, Cumborah and Rowena.	Undertake a regular programme of sampling and testing to check water quality.	Monthly sampling of water supply.	Manager Planning and Regulation	Target met
9.	To ensure that rural and urban addressing within the shire is improved to comply with Australian Standards.	Rural Addressing number allocation and signage implementation. Urban Addressing numbers allocated with community consultation.	Complete by 30 June 2008. Majority of urban premises clearly numbered by 30 June 2009.	Manager Planning and Regulation	GIS Coordinator position filled and training commenced

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 5

Subject: Coonamble/Walgett Bush Fire Management Committee -

Author: Stephen McLean - General Manager

File No: 165/01/00/00

Summary:

This report recommends that Council endorse the inclusion of Warren Shire to the Coonamble/Walgett Bush Fire Management Committee (BFMC), and that the committee be renamed more appropriately to North West Bush Fire Management Committee (BFMC).

Comments (including issues and background):

At the last meeting of the Coonamble/Walgett BFMC, a motion was passed to allow Warren Shire to join the Walgett/Coonamble BFMC, and that the committee be renamed a more appropriate name, North West BFMC.

The decision enables a number of advantages to the Rural Fire Service and its recent zoning, and aligns well with some of the estates managed by its membership.

The decision was voted on and carried unanimously, and was supported by Council's representative.

Relevant Reference Documents:

Letter from the Coonamble/Walgett Bush Fire Management Committee

Stakeholders:

- Walgett Shire Council
- Warren Shire Council
- Coonamble Shire Council
- NSW Rural Fire Service – North West Team

Financial Implications:

Nil

Recommendations:

That Council endorse the motion passed at the Coonamble/Walgett Bush Fire Committee"That Warren Shire be able to join this committee and it be renamed a more appropriate name (North West BFMC)"

Coonamble / Walgett Bushfire Management Committee

All communications to be addressed to
Coonamble / Walgett Bushfire Management Committee
C/-The Executive Officer
PO Box 370
COONAMBLE NSW 2829

21st September, 2007

Mr Stephen McLean
General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

Dear Sir,

RESOLUTION OF THE COONAMBLE / WALGETT BFMC AT ITS MEETING ON 21ST SEPTEMBER, 2007

A motion was passed of the above committee today that:

"That Warren Shire be able to join this committee and it be renamed a more appropriate name (North West BFMC etc)"

This was voted on and carried unanimously as it achieves a number of advantages to the RFS and its recent zoning, and also aligns well with some of the estates managed by its membership.

While this was supported by council's representative on the committee, it is now requested that council ratifies this position at its next meeting.

Please do not hesitate to contact me should you require any further information on this matter.

Regards,

Mark Ryan
Executive Officer

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 6

Subject: Payment of Expenses and Provision of Facilities for Councillors Policy

Author: General Manager - Stephen McLean

File No: 130/04/01/27

Summary:

Council is required to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

Comments (including issues and background):

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

This policy has been drafted and Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

Relevant Reference Documents:

Payment of Expenses and Provision of Facilities for Councillors policy
Department of Local Government Circular 06/57 & 07/22

Stakeholders:

Walgett Shire Council
Department of Local Government

Financial Implications:

Advertising costs associated with the public notice.

Recommendations:

That Council:

1. **Place the "Payment of Expenses and Provision of Facilities for Councillors" policy on public exhibition for a period of 28 days, with submissions closing 4.30pm Wednesday 14th November 2007.**

2. **That submissions be considered and the policy and any amendments are presented to the November 20th meeting of Council for adoption.**

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 7

Subject: Constitutional Corporation

Author: General Manager - Stephen McLean

File No: 004/08/01/00

Summary:

Council has sought and received advice from Marsden's Law Group as to Councils status as a constitutional corporation. The advice received from Marsden's is attached to this report and should be read in conjunction.

Comments (including issues and background):

Council recently sought advice from Marsdens Law Group on whether the amendments made to the Workplace Relations Act 1996, referred to as Work Choices applies to Walgett Shire Council.

Workchoices applies to certain defined employees including constitutional corporations. *"A constitutional corporation is a foreign, trading or financial corporation to which paragraph 51 (xx) of the Commonwealth Constitution applies."*

Marsden's have advised Council that *"Council is a Corporation. Having Regard to the activities of Council, it is more likely than not that Council is a trading corporation and therefore a constitutional corporation for the purposes of Work Choices."*

The significance of Council being a constitutional corporation lies in four (4) areas:

1. *"The regulation of minimum terms and conditions of employment.*
2. *Flexibility of labour hire arrangements and terminations of employment.*
3. *Regulation of industrial organisations.*
4. *Rationalisation of awards and individual and collective agreement making."*

The main effect of Walgett Shire Council being a constitutional corporation and subject to Work Choices is that Awards which apply to Council employees such as the Local Government (State) Award 2004 no longer exists as an Award but as a Notional Agreement Preserving State Award (NAPSA). A NAPSA will remain in force until the 27th March 2009, unless Council and parties enter into a workplace agreement. It is recommended that workplace agreements are not entered into at this stage.

Relevant Reference Documents:

Letter from Marsdens Law Group dated 13 September 2007.

Stakeholders:

Walgett Shire Council and Staff
Local Government unions

Financial Implications:

The financial implications are unknown at this time.

Recommendations:

1. **That Council receive and note the letter of advice received from Marsden's Law Group.**

2. **That Council note it is a constitutional corporation for the purposes of Work Choices and as such its employees are covered by a NAPSA which replaces but is equivalent to the Local Government (State) Award.**

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Walgett Shire Council
REC'D
20 SEP 2007

marsdens
LAW GROUP

Our Ref: 27 33 9834:LC
Contact: David Baird
Contact Tel: 0246 403 694
Contact Email: dbaird@marsdens.net.au

FILE: 295/01/07/00

FAXED 13/9/07

Your Ref: ED:ED:295/01/07/00
Attention: Emma Darcy

LETTER No: 7923. FAX: 6828 1608

The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

REFER: EJD

13 September 2007

COPY:

E-MAILED 20/9/07

Dear Sir,

Re: *Work Choices* Advice

We refer to Council's letter dated 17 August 2007 and to your instructions to provide an advice on the Federal Government's amendments to the *Workplace Relations Act* 1996 ("*WR Act*"). The amendments and the *WR Act*, as amended, are generally referred to as "*Work Choices*".

We confirm that Council seeks advice on whether *Work Choices* applies to it. This will depend on whether Council is a constitutional corporation.

Executive summary

1. *Work Choices* applies only to certain defined employers. These include the Commonwealth, a Commonwealth authority, an employer of flight crew, maritime workers and waterside workers, entities incorporated in or carrying on activities in a Territory, and **constitutional corporations.**

2. A constitutional corporation is a foreign, trading or financial corporation to which paragraph 51(xx) of the *Commonwealth Constitution* ("the Constitution") applies.

3. Council is a corporation. Having regard to the activities of Council, it is more likely than not that Council is a trading corporation and therefore a constitutional corporation for the purposes of *Work Choices*.

Background

On 2 November 2005 the Federal Parliament passed the *Workplace Relations Amendment* (*Work Choices*) *Act* 2005 which amended the *WR Act*.

Parts of the amending legislation commenced on 14 December 2005. The balance commenced on 27 March 2006, along with regulations.

Summary of industrial relations framework prior to *Work Choices*

Employees and employers in NSW have for many years been subject to either (and in some cases both) the NSW industrial relations framework ("the State system") and the Commonwealth industrial relations framework ("the Federal system").

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AGENTS IN VICTORIA, QUEENSLAND AND AUSTRALIAN CAPITAL TERRITORY

State system

The *NSW Industrial Relations Act* 1996 ("the *NSW IR Act*") established in it's current form the NSW Industrial Relations Commission ("NSW IRC") which makes State awards, performs a regulatory function in relation to enterprise agreements, and exercises conciliation and arbitration powers in relation to industrial disputes.

The *NSW IR Act* also regulates the registration and conduct of industrial organisations of employees. It also gives the NSW IRC (in Court Session) the power to determine claims relating to unfairness in contracts for the performance of work in an industry (section 106 claims)[1].

The Federal system

The *WR Act* established in it's current form the Australian Industrial Relations Commission ("AIRC") which has the power to make Federal awards. It also gives power to a number of offices such as the Workplace Authority which carries out functions in relation to workplace agreements, and the Workplace Ombudsman which has the power to investigate alleged breaches of industrial legislation. Prior to the Workplace Authority, the Office of the Employment Advocate was responsible, along with the AIRC, for ratifying Australian workplace agreements ("AWA's) and certified agreements, which were the two types of enterprise agreements which could be entered into under the Federal system before *Work Choices*.

The AIRC has similar dispute resolution and conciliation and arbitration powers as the NSW IRC.

There are various other statutes which apply to employees generally (except to the extent excluded by the Federal system) and these include the *Annual Holidays Act* and the *Long Service Leave Act*.

The purpose of *Work Choices* and significance of the definition of constitutional corporation

Broadly, *Work Choices* amended the *WR Act* and other statutes in four (4) areas:

1. The regulation of minimum terms and conditions of employment.
2. Flexibility of labour hire arrangements and termination of employment.
3. Regulation of industrial organisations.
4. Rationalisation of awards and individual and collective agreement making.

Work Choices, and therefore the *WR Act,* only applies to certain defined employers which include constitutional corporations. The basic definition of employer in the *WR Act* includes a constitutional corporation to which paragraph 51(xx) of the *Constitution* applies. Paragraph 51(xx) of the *Constitution* refers to the Commonwealth Parliament having the power to make laws with respect to foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.

Definition of employer

Section 6 – Basic definition of employer

[1] In its attempt to "cover the field" in industrial relations, *Work Choices* removed the powers of the NSW IRC to deal with unfair *employment* contracts although the power to deal with other types of contracts remains.

Section 6 of the *WR Act* is in the following terms:

Basic definition

(1) In this Act, unless the contrary intention appears:

***Employer** means*

(a) a constitutional corporation, so far as it employs, or usually employs, an individual; or

(b) the Commonwealth, so far as it employs, or usually employs, an individual; or

(c) a Commonwealth authority so far as it employs, or usually employs, an individual; or

(d) a person or entity (which may be an unincorporated club) so far as the person or entity, in connection with constitutional trade or commerce, employs, or usually employs, an individual as:

(i) a flight crew officer; or

(ii) a maritime employee; or

(iii) a waterside worker; or

(e) a body corporate incorporated in the Territory, so far as the body employs, or usually employs, an individual;

(f) a person or entity (which may be an unincorporated club) which carries on an activity (whether of a commercial, governmental or other nature), in a Territory in Australia, so far as the person or entity employs, or usually employs, an individual in connection with the activity carried on in the Territory.

What is a constitutional corporation?

A constitutional corporation is relevantly a trading corporation to which the *Constitution* applies. The term "trading corporation" is not defined in the *Constitution* itself.

Is Council a corporation?

Under section 220 of the *Local Government Act* 1993 (NSW) ("the *LGA*"), a Council is a "body corporate". Under section 57A of the *Corporations Law*, "corporation" includes, among other things, any body corporate. It can safely be concluded that due to the operation of the *LGA* and the *Corporations Law*, all Councils are corporations.

The next question is whether Council is a constitutional corporation to which paragraph 51(xx) of the *Constitution* applies.

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Trading corporation

There are no other relevant definitions concerning a trading corporation in the *WR Act* or the *Corporations Law* or any other statute and therefore regard must be had to the common law. Traditionally, a corporation has been held to be a trading corporation within the meaning of the *Constitution* if it's trading activities form a significant or substantial part of it's overall activities.

This test was arrived at after consideration of the issue in a number of cases which followed the decision of the High Court of Australia (HCA) in *R v Trade Practices Tribunal: ex parte St George County Council*[2] ("St George County Council"). In this case the HCA held that St George County Council, as a supplier of electricity, was not a trading corporation under the *Restrictive Trade Practices Act* 1971 (Cth). The majority of Judges said that the important factor was the purpose for which the entity had been formed.

The issue was next considered by the HCA in *The Queen v Federal Court of Australia; ex parte Western Australian Football League (Inc)*[3] ("Adamson's case"). The majority of the HCA in Adamson's case determined that St George County Council had been wrongly decided. The HCA said that the real issue was not the purpose for which an entity had been formed, but the extent of it's trading activities. Trading was said not to be limited to the making of a profit by buying and selling but also applied to carrying on business activities which were designed to earn revenue.

This principal was further refined in *State Superannuation Board of Victoria v Trade Practices Commission*[4] and *Commonwealth v State of Tasmania*[5].

The issue of trading corporation has been given limited detailed attention in the AIRC, however, there are two cases on which comment should be made.

In *Burrows v Shire of Esperance*[6] ("*Esperance*"), Senior Deputy President Polites considered whether the *Shire of Esperance* was a constitutional corporation as defined in section 4 of the *Workplace Relations Act* as it then was. He determined that it was a constitutional corporation because the revenue it earned from trading activities was significant. In 1997/1998 the Shire earned nearly $1.4m or 8.89% of it's operating revenue of $12.8m from trading activities, being the sale of goods and services. These included facility hire charges, ranger services, lease of buildings and the sale of treated water.

He also said that additional revenue from health inspection fees, meat inspection fees and rubbish removal fees (domestic) which totalled $774,412.00 should be included as revenue from trading activities, therefore putting the percentage of operating revenue from trading activities at 14.93%.

In *Esperance* the Shire argued that garbage collection fees and land sales could not be regarded as trading activities because of the decision of Davies J of the Federal Court in *Mid Density Developments Pty Ltd v Rockdale Municipal Council*[7] ("*Rockdale Council*").

In that case most of Rockdale Council's revenue was said to come from rates, garbage levies and rent from property. It was submitted that the contracting out of a garbage collection service amounted to a trading activity but Davies J held that regardless of who actually carried out the

[2] (1974) 130 CLR 533
[3] (1979) 143 CLR 190
[4] (1982) 150 CLR 282
[5] (1983) 158 CLR 1
[6] (1988) 86 IR 75
[7] (1993) 39 FCR 579

work, it was the carrying out of a statutory function under the LGA. He found that the carrying out of a function of government in the interests of the community was not a trading activity. He also said earning rent from property would not be a trading activity.

SDP Polites declined to follow the decision in *Rockdale Council*.

The issue of trading corporation has most recently been considered in two state industrial relations commission decisions, *Garvey v Institute of General Practice Education Incorporated*[8] ("*Garvey*"), a decision of the NSW IRC, and *Jacqueline Ann Bysterveld v Shire of Cue*[9] ("*Bysterveld*"), a decision of the Western Australian IRC.

In *Garvey* the respondent employer argued that it was a constitutional corporation and therefore the NSW IRC had no jurisdiction to hear an employee's claim for alleged unfair dismissal.

The Full Bench of the NSW IRC broadly followed the reasoning of the High Court in Adamson's case and cases following it. It said that the activities of the corporation were important rather than it's purpose and that trading activities should generally mean activities of a commercial nature involving the exchange of goods or services for reward. The evidence established that there was only one revenue earning activity which could be properly described as a trading activity of the corporation and that earned revenue of $760.98 in a year when the total income received by the corporation was $2.5m. This was not a significant enough proportion of the employer's total revenue to establish it as a trading corporation.

In *Bysterveld*, the Shire of Cue had total operating revenue of nearly $2.5m of which $165,202.00 or 6.74% was said to come from trading activities. Senior Commissioner Smith, however, preferred the view that some items resulting from trading activities including septic fees and rubbish collection charges were statutory charges imposed on rate payers through rates and charges imposed on land owners in the Shire and were therefore not income earned from trading activities. He found that the total amount of operating revenue from trading activities was $90,118.16 or 3.68% of the total. He found that the trading activities of the Council as a whole, did not impose on it the character of a trading corporation. He reached this view because none of the trading activities, when considered collectively, were carried out on a significant scale.

Application of principals to Council

We have had regard to the annual financial statements prepared for Council for the year ended 30 June 2006. The income statement indicates that revenue from ordinary activities before capital amounts was $19.85m and of this amount $5.3m was generated from rates and annual charges. We expect this includes charges under sections 496 and 501 of the LGA. These are amounts which are unlikely to be generated from trading activities.

An amount of $3.67m was generated from "user fees and charges". We refer to note 3 to the income statement and to the items listed under the headings "User Charges" and "Fees".

(a) User Charges

It is possible that the four amounts listed under the heading, "User Charges" could be income received from trading activities. However, to be included as part of revenue earned from trading, the revenue earned from each activity must be as a result of that activity constituting trading. In

[8] [2007] NSW IRComm 159 (28 June 2007)
[9] [2007] WA IRComm 941 (20 July 2007)

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Esperance, Polites SDP characterised garbage collection services as trading because the funds were received by the Council as charges for a service. In our opinion, there is some force to the reasoning of Smith SC in *Bysterveld* where Smith SC declined to accept the analysis of Polites SDP because Polites SDP did not examine and determine how the relevant charges were imposed.

(b) Fees

There are nine items listed under the heading "Fees" in note 3, including private works, sale yards, cemeteries, aerodrome, and rent and hire of non investment property. The most significant item is RTA claims – State Roads which is $3.1m of a total of $3.7m. There is insufficient material upon which to conclude that the item, RTA claims – State Roads, should be included as part of revenue earned from a trading activity. We assume it is money received from the State Government to carry out works on roads within the Shire which are properly categorised as State Roads as opposed to Local Roads. If this money was used to carry out an activity that constituted trading, then it would be likely to be included in revenue from trading, but without that evidence we cannot safely conclude that it would be. We invite Council to provide us with any further information that it might have concerning the use of funds received from the RTA.

The other two items of revenue in the income statement which could constitute revenue earned from trading activities are investment revenues and grants.

(c) Investment revenues

These constitute $727,000.00. We refer to page 2 of note 3. Following the reasoning of SDP Polites in *Esperance*, interest on investments can constitute revenue from trading activities. It would not, however, include interest on overdue rates and charges, which makes up $93,000.00 of the total. This would leave $634,000.00. It should be noted that applying the analysis of SC Smith in *Bysterveld*, interest on investments would not be likely to be considered as income earned from trading activities.

(d) Grants

Total grant revenue was $8.6m. On 11 May 2007 the Full Bench of the Western Australian IRC gave it's decision in *Aboriginal Legal Services of Western Australia Inc v Lawrence*[10] which dealt with when a corporation in receipt of Government funds by way of grant is a trading corporation. The Full Bench determined that relevant considerations included:

- Whether the basis on which the funds are provided constitutes trading;
- The use that is made of the funds, ie. are they for a specific purpose and if so, does that purpose involve the provision of services which does not constitute trading;
- The link between the provision of the funds, the use made of the funds and the activities of the corporation as a whole. This includes an assessment of the activities of the corporation.

On the face of the list of grants set out on page 3 of note 3, only the following appear capable of amounting to revenue from trading activities:

- Roads and bridges $1,815,000.00
- Employment and training programs $17,000.00

[10] [2007] WA IRC 00435

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• Heritage and cultural services	$68,000.00
• Community care services	$372,000.00
• Bushfire and emergency services	$47,000.00
• Other	$103,000.00
Sub total:	$2,422,000.00

In *Bysterveld*, SC Smith looked at evidence from the Shire in relation to similar grants and found the only grants which amounted to revenue from trading activities were those involving expenditure or the provision of services, which constituted trading. For example, the Shire received money from a heritage council and this money was used to engage consultants and builders to carry out work to restore heritage buildings in the town. SC Smith found that this was income from trading. However, in relation to a fire operating grant, although there was evidence to establish that this was a grant from the State Government used to fund a voluntary service, there was no evidence as to how the funds were expended or whether the funds involved the provision of services which constituted trading. Therefore this was not included in revenue from trading activities.

Adopting the broad approach of SDP Polites in *Esperance*, the amounts that have been itemised by you in the Grants section under the heading "Specific Purpose" may constitute revenue from trading activities, however, on the more restrictive analysis of SC Smith, they would only do so if there was sufficient evidence to establish that the grants in each case involved expenditure, or the provision of services, which constituted trading.

Summary of amounts constituting revenue from trading activities

The following amounts could be said to be revenue from trading activities:

• User fees and charges (Total fees less RTA claims – State roads)	$616,000.00
• Grants (Roads & bridges, employment & trading programs, heritage and cultural services, community care services, Bushfire and emergency services)	$2,319,000.00
• Investments (Total investment revenues less $93,000.00)	$634,000.00
Sub total:	$3,670,000.00 or 18.4% of total revenue from ordinary activities

On a more restrictive interpretation, however, such as that followed by SC Smith in *Bysterveld*, investment income would not be included, reducing income from trading activity to $3,036,000.00 or 15.3%. In *Bysterveld* the income from trading activities was found to be 3.68%.

Although the percentage itself is not determinative, the figure of 15.3% combined with the nature of the activities, would be sufficient, in our view, for Council to be a trading corporation.

The effect of Council being a trading corporation

The main consequences of Council being a trading corporation, and therefore subject to *Work Choices*, are:

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1. Awards which apply to Council employees such as a Local Government (State) Award will no longer exist as awards but as Notional Agreements Preserving State Awards (NAPSA). The NAPSA remains in force during a transition period of three (3) years from 27 March 2006, unless the parties make a workplace agreement. The NAPSA must meet the basic minimum conditions contained in the Australian Fair Pay & Conditions Standard ("the Standard"), however, during the transition period terms of the NAPSA which are more favourable than the Standard will continue to apply.

2. At the end of the transition period the AIRC will determine a Federal award to apply to employees whose employment at that time is not already regulated by a workplace agreement.

3. According to Council's 2006 Annual Report, staff numbers as at 30 June 2006 were 84 full time, 4 part time and 49 casuals. The *Work Choices* amendments to the *WR Act* included an exemption from the unfair dismissal laws for employers who employ less than 100 employees at the time of the termination of an employee. For the purposes of the head count that is required to be done at the time of termination, these employees will include casuals employed on a regular and systematic basis for at least twelve (12) months. Council may have casual employees who fall into this category and therefore at any given time Council may have more than 100 employees for the purpose of the head count. If it has less than 100 employees at that time, then an affected employee cannot proceed against Council for alleged unfair termination. The law in relation to unlawful termination has not changed. Council will also be able to rely on the "operational reasons" exemption which provides that the AIRC cannot grant relief to an employee alleging unfair termination if the termination was for genuine operational reasons or reasons that include genuine operational reasons.

4. Employees will no longer be able to access the unfair dismissal provisions in the *NSW IR Act*.

5. The NSW unfair contracts jurisdiction (section 106 *NSW IR Act*) will cease to exist which means that senior staff will no longer be able to make unfair contract claims. We note that the only senior staff employee as at 30 June 2007 was the General Manager.

Conclusion

It is reasonably well settled that the trading corporation test is activity based. In addition, it is proper to have regard to the significance of income gained from trading activities. However, it can also be seen that there is still some uncertainty as to exactly what items of revenue should be considered to be derived from trading activities when calculating how significant the trading income is.

It should also be noted that each industrial commission is more likely to follow it's own decisions rather than those from another jurisdiction. The issue of whether Council is a trading corporation is most likely to arise in proceedings taken by an employee for relief from alleged unfair or unlawful termination. If those proceedings are commenced in the AIRC, then there is perhaps a greater likelihood that the AIRC would follow the broader reasoning of SDP Polites in *Esperance* and arrive at the conclusion that revenue sources such as investment income should be included in the calculation of the total revenue earned by Council from trading activities.

If, however, the proceedings were commenced in the NSW IRC, then it is more likely that the NSW IRC would adopt the activities test but would then follow the narrower approach preferred by the Full Bench in *Garvey* and by the Western Australian IRC in *Bysterveld*.

320823-1

For these reasons we suggest that if Council is considering utilising provisions of the *WR Act*, that our further advice be obtained.

If you have any questions in relation to any aspect of this advice, please contact the writer.

Yours faithfully,
MARSDENS LAW GROUP

D. R. BAIRD
Partner

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 8

Subject: Funding Agreement – Transition to Child Care Management System

Author: Emma Darcy – Manager Corporate Services

File No: 003/01/01/05

Summary:

This report seeks Council's approval for the affixing of the Council Seal for the execution of the Offer of Funding to ensure that approved child care services, being Family Day Care, transition to the Child Care Management System as required by the Department of Families, Community Services and Indigenous Affairs (FaCSIA).

Comments (including issues and background):

Department of Families, Community Services and Indigenous Affairs (FaCSIA) are offering $1,100 (including GST) funding for the transition to the Child Care Management System in Family Day Care. This funding is to be used to make the necessary changes to our service. This includes the purchasing of hardware and software, internet connectivity, training of staff and any other activity required to transition to the Child Care Management System .

It is recommended that Council execute the Offer of Funding from FaCSIA.

Relevant Reference Documents:

- Letter of Offer from FaCSIA dated 18 September 2007
- Funding Agreement between Walgett shire Council and FaCSIA
- Terms and Conditions for the FaCSIA Minimalist Agreement

Stakeholders:

- Walgett Shire Council
- Family Day Care
- Department of Families, Community Services and Indigenous Affairs

Recommendation:

That Council approve the execution under seal of the Offer of Funding in respect of 2007 for assistance in costs associated with the transition to the Child Care Management System and that the General Manager and Administrator be authorised to sign the documents.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 9

Subject: Community Assistance Scheme Donation – 2007/2008 Budget

Author: John Burke – Finance Officer

File No: 180/08/00/00

Summary:

This report identifies a late request for financial assistance from Council through the Community Assistance Scheme 2007/2008 and under Section 356 of the *Local Government Act* 1993.

Comments (including issues and background):

An application was received on 24 September 2007 from the Walgett World Youth Day Committee for financial assistance, under the Community Assistance Scheme. It is noted that applications closed on 31 July 2007.

This event will give 50–60 youth from Walgett Shire the opportunity to travel to Sydney for the week long event in July 2008. World Youth Day provides an opportunity for the youth of Walgett Shire to unite in the spirit of hope and to experience people from all over Australia and the world. Events will also be held locally to enable all youth to celebrate World Youth Day

Applicants must be non-profit organisations and based in, or affiliated with, Walgett Shire.

As stated in the Community Assistance Application, all applications received must be for the charitable purposes for either: -

- The relief of poverty, or
- The advancement of Education or
- Any other purpose for which there is agreement by resolution of Council

Categories for Assistance include the following:-

A.	Sports Assistance -	Grants up to maximum $500
B.	Cultural Arts Assistance	Grants up to maximum $500
C.	General Assistance Scheme	Grants up to maximum $1000

Stakeholders:

- Walgett Shire Council
- Walgett World Youth Day Committee

Financial Implications:

An amount of $1,000.00 has been provided for in the 2007/2008 Budget in accordance with Section 356 of the *Local Government Act 1993.*

Recommendation:

That Council approve funds in the amount of $1,000.00 for financial assistance to the Walgett World Youth Day Committee, under Section 356 of the *Local Government Act* 1993, and that funds are provided from Council's Contingency Account.

17th September 2007

Please accept our apology for the late application for funding. Our committee was not aware that this was available until our meeting with Gai Richardson. It was on her recommendation that we put an application in. Please accept our sincerest apology.

What is World Youth Day?

World Youth Day is an ecumenical gathering of youth from all over the world. Youth are involved in religious pilgrimages, social and cultural education and are inspired to live a life of purpose. The festivities will conclude with an address by the Pope. We aim to take between 50 and 60 youth (16-35 year olds) to Sydney for the week long event in July next year. WYD provides an opportunity for the youth of Walgett to unite in the spirit of hope and to experience people from all over Australia and the world.

Time Schedule for Walgett World Youth Day Preparation

6th September 2007 - Community Information Evening.

This was a fun night held at the Youth Centre where we organized games, a dance, drama, WYD information DVD and a barbecue. This night was held to increase awareness of WYD and the events that will be happening in Walgett in the preparation for Sydney in 2008. Walgett local Matthew Shields spoke to the community about WYD and his experience in Germany at a previous WYD.

17th November 2007 – Community Fundraising event.

This will be a fundraising event to be held at the Walgett RSL Hall. We have guest speakers from the surrounding area who will speak about their experiences at past WYDs and we will provide information about how locals can sign up to come to Sydney next year. Entertainment will be by the St Joseph Stage 2 and 3 students who will perform their CROC dances. The cost is anticipated at $8 a head with about 100 people attending.

28th January 2008 – Bingara Pilgrimage

This celebration will celebrate the cross, icon and message stick arriving in the Armidale diocese. It is expected that each parish take 200 people to this event. Fireworks, games and a pilgrimage walk to Myall Creek all feature as attractions. The main expense for this event will be the cost of the buses from Walgett to Bingara – this is anticipated at approximately $ 2000.

4th January 2007 – The Cross, icon and message stick arrive in Walgett

Walgett is fortunate enough to be the host for the Cross, icon and message stick that have travelled around the world in the lead up to this major event. The journey of the cross and icon have been described as bigger than the Olympic Torch relay. The cross will enter Walgett on Monday the 4th of February 2008 at 5pm and will travel out to both missions and any interested locals will carry and/or walk with the cross, icon and message stick down the main street. To remember this event we plan on having a bbq at St Joseph's School oval with fireworks and music until later in the evening. The cross will leave Walgett on Tuesday the 5th of February and move on to Wee Waa. The expenses for this event will be the cost of erecting lights on the school oval, a PA system and food for the barbecue. Anticipated cost = $ 2000.

17th September 2007

July 2008 – Host World wide pilgrims in Walgett and surrounding area

The week before the celebration in Sydney we plan to ask the local community if they are willing to host some overseas visitors and give them a real Australian experience. Depending on how many we are able to host we may plan activities for them to participate in throughout their stay. At this stage activities will include a farm experience (hosted by Michael O'Brien) and a tour of local Aboriginal sites (yet to be confirmed). The cost involved with this activity will be for a bus to Tamworth to collect pilgrims and a bus back to Tamworth at the end of the week to take pilgrims back for their plane to Sydney. The cost will depend on how many pilgrims our community accepts.

July 2008 – World Youth Day Events in Sydney

The culmination of this preparation will be the World Youth Day festival in Sydney 2008. Youth will stay with committee members in either a school or a youth hall for the duration of the festival. We hope to take 60 people to this historical and inspirational event. The cost per person is $385 (this does not include travel to Sydney). We hope to take at least 50 youths. The cost of a bus to Sydney will depend on how many people we take. This could be up to $6000.

I am sure that you understand the significance of this event for our town and the unity, community spirit and hope it will bring to our young people and their families. With inspired, interested youth we can hope to see inspired, interested families with a purpose. World Youth Day is set to be bigger than the Olympics and it poses to be a terrific chance to show the world Walgett's community spirit. Any support that the council can give in our bid to unite and inspire the youth of our town would be greatly appreciated.

Thankyou

Katie Biddle

(on behalf of the Walgett World Youth Day Committee)

Executive Committee Members
Donna Fietcher – Secretary

Sister Mary Ellen Griffin – Representative for the Parish Priest
Brother Mark Cody – Representative for the Parish Priest

Bonnie Hickey – Armidale diocese World Youth Day representative

Katie Biddle – Community Liason and advertsing

Tony Spiller – Representative for St Joseph's School

All committee members are contactable at St Joseph's Primary School Walgett on 68 281060

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 10

Subject: Domestic Waste Management Availability Over-Charge

Author: Kristy Maher – Acting Rates Clerk

File No: 025/05/07/35

Summary:

This report recommends that Council amends Assessment 683 by correcting an overcharge for the domestic waste management service fee in an amount of $1,120.78.

Comments (including issues and background):

As part of Council's on-going rates review process and in response to a ratepayers recent enquiry, an audit of the domestic waste management availability revealed an overcharge in both the 2006/07 and 2007/2008. The ratepayer had been charged for three (3) services when only one (1) bin was available for collection.

The overcharge in the 2006/2007 year was $542.20 and in the 2007/2008 year $574.70. An interest charge of $3.88 was levied for the arrears interest. The total overcharge is $1,120.78.

The domestic waste charge can be written off under Local Government (General) Regulations 2005, Part 5, Division 3, Clause 131(4)(a) that states:

> *"An amount of rates and charges can be written off under this clause*
> *(a) if there is an error in the assessment"*

Relevant Reference Documents:

- Local Government Act 1993
- Local Government (General) Regulations 2005

Stakeholders:

- Walgett Shire Council
- Walgett Shire Ratepayers

Financial Implications:

Rates Debtors will be reduced by $1,120.78. This outstanding debt has been provided for in General Purpose Financial Accounts as a provision for doubtful debts.

Recommendation:

That Council write-off $1,120.78 from Assessment 683 to correct an overcharge of domestic waste management availability charge in accordance with Local Government (General) Regulations 2005, Part 5, Division 3, Clause 131(4)(a).

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 11

Subject: Disclosure of Interests in Written Returns - Councillors and Designated Persons

Author: John Burke – Public Officer

File No: 145/02/03/00

Summary:

Section 449 and 450 of the *Local Government Act 1993* refers to Disclosure of Interests in Written Returns and requires Councillors and designated persons to complete and lodge with the General Manager a return in the form prescribed by the Regulations.

Comments (including issues and background):

Section 450 (A) of the *Local Government Act 1993* requires the General Manager to keep a register of returns lodged, and that the returns must be tabled at a meeting of Council.

Disclosures by Councillors and Designated Persons – Section 449 (3) Returns have been received by the following designated persons:-

- Mr Victor Smith — Administrator
- Mr Stephen McLean — General Manager
- Mr Matthew Goodwin — Manager Planning and Regulations
- Mr Alan Nelson — Manager Engineering
- Mrs Emma Darcy — Manager Corporate Services

Recommendation:

That Council note that Disclosures by Councillors and Designated Persons – Section 449 (3) Returns have been received by the following designated persons:-

- **Mr Victor Smith — Administrator**
- **Mr Stephen McLean — General Manager**
- **Mr Matthew Goodwin — Manager Planning and Regulations**
- **Mr Alan Nelson — Manager Engineering**
- **Mrs Emma Darcy — Manager Corporate Services**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 12

Subject: Rating of Assessment 5734

Author: Kristy Maher – Acting Rates Clerk

File No: 025/05/07/35

Summary:

This report recommends that Council re-classify assessment 5734 as exempt from all rates under section 556 (1) and 558 (1) of the Local Government Act 1993.

Comments (including issues and background):

Council has been advised that the ratepayer on assessment 5734 is a public charity. The land rates on the property known as Lot 1, DP 1103508, WLL 14607 were levied on 1 July 2007 prior to advice being received by Council.

With regards to the land rates levied, under Chapter 15, Part 6, Section 556(1(h)) of the Local Government Act 1993 (LGA) *"The following land is exempt from all rates, other than water supply special rates and sewerage special rates: land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity"*

With regards to the water and sewerage rates levied, Water and Sewer charges were also levied on 1 July 2007 and under Chapter 15, Part 6, Section 558 (1)(e) of the LGA 1993 this assessment should not have been levied with these rates. Section *(1)(e)* states *"land that, in the opinion of the council, it is impracticable, having regard to the physical features of the land or any unusual cost that may be incurred, to supply with water or connect to the sewer."*

With regard to Domestic Waste Availability Charges, under Chapter 15, Part 1 Section 496 of the LGA 2003, " *(1) A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available."* The ratepayer does have access to waste management facilities should waste be produced by the site at any time in the rating year.

Relevant Reference Documents:

- Local Government Act 1993
- Plan form of Lot 1, DP 1103508
- Walgett Shire Council Management Plan 2007/2008 – 2011/2012
- Council Resolution 4/7 (2001)
- Australian Taxation Office Endorsement as an income tax exempt charitable entity.

Stakeholders:

- Walgett Shire Council
- Walgett Shire Ratepayers

Financial Implications:

An amount of $1,287.27 would be reversed for this financial year. As this is the first time that rates have been levied on this property there would be little financial impact.

Recommendations:

1. **That Council write-off $1,255.87 from Assessment 5734, in accordance with Chapter 15, Part 6, Sections 556(1) and 558(1) of the LGA 1993.**

2. **That Assessment 5734 be classified as Exempt under Chapter 15, Part 6, Section 556(1) of the LGA,**

3. **That Assessment 5734 be granted exemption from sewerage rates under Chapter 15, Part 6, Section 558(1) of the LGA.**

4. **That a special exemption be granted on water rates under Chapter 15, Part 6, Section 558(1) of the LGA.**

5. **That a Domestic Waste Management Availability charge of $31.40 remain, under Chapter 15, Part 1 Section 496 of the LGA, on the assessment as the user group has access to waste management facilities.**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 13

Subject: Fees and Charges - Saleyards

Author: John Burke – Finance Officer

File No: 001/004/04/58

Summary:

This report seeks an amendment to fees and charges for saleyards as outlined in the 2007/2008 Walgett Shire Council Management Plan.

Comments (including issues and background):

Fees and Charges for Saleyards were adopted on 28 June 2007 as part of the 2007/2008 – 2011/2012 Walgett Shire Council Management Plan.

There are some anomalies with the fees adopted for the saleyards and therefore need to be amended and adopted by Council for charges to be reflected in the 2007/2008 Management Plan.

With the construction of a selling ring at Walgett Saleyards, it has become necessary to include a revised charge for horses and introduce a new charge for bulls. All other fees were reviewed in consultation with associated agents and Council staff to ensure full cost recovery.

Relevant Reference Documents:

- 2006/2007 Walgett Shire Management Plan
- 2007/2008 Walgett Shire Management Plan

Stakeholders:

- Walgett Shire Council
- Users of Walgett Saleyards
- Stock and Station Agents

Financial Implications:

Nil

Recommendation:

That the fees and charges for saleyards listed in the 2007/2008 – 2011/2012 Walgett Shire Management Plan be amended and appear as follows and to be effective from 1 July 2007:-

ACTIVITY	FEE OR CHARGE	GST	BENEFIT	PRICING POLICY
ENGINEERING SALEYARDS				
Saleyard Fees Yard Dues	$3.50 per head for cattle sold $2.30 per head store cattle sold	Yes	Private	100% Cost Recovery
Saleyard Fees Yard Dues - Horses	$12.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Yard Dues - Bulls	$12.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Private Weighing of Cattle	$3.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for sheep	$28.90c per 1,000 or part thereof (min charge of $28.90 per occasion)	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for cattle	$31.50 per 100 or part thereof (min charge of $31.50 per occasion)	Yes	Private	100% Cost Recovery

Attachment – Copy of 2007/2008 Fees and Charges for Saleyards

ACTIVITY	FEE OR CHARGE	GST	BENEFIT	PRICING POLICY
ENGINEERING SALEYARDS				
Saleyard Fees Yard Dues	$3.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Yard Dues - Horses	$3.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Private Weighing of Cattle	$3.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for sheep	5c per head/per day (min charge of $100.00 per use)	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for cattle	$1.00 per head/per day (min charge of $100.00 per use)	Yes	Private	100% Cost Recovery
ENGINEERING				

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 14

Subject: Amended Social Plan 2007-2010

Author: Gai Richardson – Community Liaison Officer

File No: 100/33/01/00

Summary:

The Walgett Shire Social Plan 2007-2010 has been amended to include the 2006 Census Figures released to date. It is recommended that Council adopt this revised plan.

Comments:

Walgett Shire Council's Social Plan will be tabled at the Council meeting on 16th October, 2007. The Plan has been amended to include the 2006 Census Figures collated from the 2006 Census QuicksStats – Postal Area which have now been released.

Stakeholders:

- Walgett Shire Community
- Walgett Shire Council

Relevant Reference Documents:

Social Plan available separately

Recommendation:

That Council receive and adopt, as tabled, the Walgett Shire Council Social Plan 2007-2010.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 15

Subject: Untaken Sick Leave Policy

Author: Emma Darcy – Manager Corporate Services

File No: 022/12/02/89

Summary:

The report recommends to Council that employees who commenced employment prior to 18 September 2007 be entitled upon termination to cash in that part of their sick leave accrued to 18 September 2007 in accordance with the Untaken Sick Leave on Termination Policy discontinued on 18 September 2007.

Comments (including issues and background):

The untaken sick leave on termination policy, as reproduced below, was adopted by Council at its meeting on 24 November 1997.

11. Untaken Sick Leave on Termination

a. That after completion of 3 years continuous service with Council, provided the employee has sufficient untaken sick leave to their credit they be paid one weeks untaken sick leave for each year of service up to a maximum of 5 weeks for 5 years or more service.

b. That 1 above to be varied where there may be special circumstances advantageous to Council.

At Council meeting held on 18 September 2007 it was resolved:

273/07 – Untaken Sick Leave Policy

RESOLUTION:

It was resolved on the Motion of the Administrator that Council discontinue its policy operational documents – 11. Untaken Sick Leave on Termination effective immediately but subject to legal advice.

Carried.

Council has recently received legal advice in relation to this matter, a copy attached.

It is recommended to act upon this legal advice that the above policy will apply only for that period of employment to 18 September 2007. The policy will not form part of the terms of employment of those staff employed after 18 September 2007.

That is, existing employees would be entitled upon termination to cash-in (in accordance with the policy) that part of their sick leave accrued to 18 September 2007. On the other hand, the employee would not be entitled upon termination to cash-in sick leave accrued after 18 September 2007.

Relevant Reference Documents:

CM Minute 273/07
Letter from booth, Brown, Samuels & Olney dated 4 October 2007

Stakeholders:

Walgett Shire Council staff

Financial Implications:

Nil

Recommendation:

That Council resolve to allow the Untaken Sick Leave Policy to apply to existing staff members who commenced their employment prior to 18 September and that the policy will only apply for the period of employment to 18 September 2007.

Est.1876

Booth Brown Samuels & Olney

SOLICITORS

4 October 2007

Walgett Shire Council
REC'D
08 OCT 2007
FILE: 022/09/01/00
LETTER No: 8392
REFER: EJD.
COPY:

Attention: Mrs Emma Darcy
The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

Dear Sir

RE: SICK LEAVE POLICY
Our ref: NAW:M/2914
Your ref: Emma Darcy

We refer to recent attendances.

We confirm you have instructed us to provide an opinion on the validity of a Council policy (adopted on 24 November 1997 and revoked on 18 September 2007) concerning the treatment of Council employee's untaken Sick Leave on termination. You have also asked us to advise whether the policy forms part of the terms of employment of Council's current and/or future staff.

You have provided us with a copy of the Council Minutes containing the resolution adopting the policy, together with copies of Council's standard Letters of Offer for outdoor and indoor staff. Our advice follows.

1. The policy reads:

UNTAKEN SICK LEAVE ON TERMINATION

1. *That after completion of 3 years continuous service with Council, provided the employee has sufficient untaken sick leave to their credit they be paid one weeks untaken sick leave for each year of service up to a maximum of 5 weeks for 5 years or more service.*
2. *That 1 above be varied where there may be special circumstances advantageous to Council.*

50 Talbragar Street, (PO Box 20), Dubbo NSW 2830
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A.B.N. 19 026 492 364

nald F B Olney B.A., LL.B. Roger L King Dip. Law (SAB) Brian M Goodall B. Ec., LL.B. Acc Spec (Prop.) Paul W Kerr B. Juris., LL. B. Kane B Olney Dip. Law (LPAB)
Associates: Jane L North LL.B. Acc Spec (Wills & Estates) Brendon T Dunstan B. Com., LL.B Nick A Wilson B.A., M. Int. S., Dip. Law (LPAB)

Liability limited by a scheme approved under Professional Standards Legislation.

2. We are of the view that this policy was not intended to, and indeed does not, form part of the terms of employment of Council's General Manager and those senior staff on individual performance-based contracts – unless, of course, the contract specifically incorporates the policy as a term of employment of that individual.

3. The policy would, therefore, be intended to apply to the remainder of Council's staff – each of whom would normally be employed in accordance with the terms and conditions of the *Local Government (State) Award* ("the Award").

   Under the policy, the payment is to be made upon termination of employment and is in addition to any other leave entitlements that Council is statutorily bound to pay. We note that an employer is not normally required to pay accrued sick leave upon termination (unlike, say, the requirement to pay all accrued annual leave).

4. We have not, for the purpose of this advice, considered whether Council is subject to the Federal Work Choices legislation. However we note that if it were then under the Work Choices transitional arrangements the Award becomes a Notional Agreement Preserving State Award ("NAPSA") for a period of three years (from 27 March 2006) and therefore continues to apply.

   Turning to the relevant State legislation, we note that the policy is not inconsistent with section 27 of the Industrial Relations Act 1996 (NSW) which provides that an *award* must not allow or require an employee to cash-in the employee's accumulated sick leave. Council's policy is obviously not an *award* nor does it cash-in the accumulated sick leave during the term of employment. Instead, an amount equivalent to the accumulated sick leave is paid on termination in addition to any other amounts Council is obliged to pay to the employee.

   Furthermore, we are of the view that the policy is not inconsistent with the Award. That is, the policy operates in addition to (rather than eroding) the minimum entitlements set out in the Award.

5. We think that the policy is valid. Accordingly, the next question for consideration is whether the policy forms part of the terms and conditions of employment of Council's general staff.

6. We note that Council's standard Letters of Offer set out certain specified conditions of employment before generally stating that all other conditions will be *in accordance with* the Award "and Council's personnel policies."

The policy is clearly a personnel policy. On this basis, we think that the policy is therefore forms part of the terms of employment of those employees who accept employment with Council in accordance with the Letters of Offer.

We are not instructed whether any Council staff members are employed otherwise than pursuant to the standard Letters of Offer. If so, we would need to consider any other such circumstances on a case by case approach to determine whether the policy forms part of the terms of employment of those other individuals.

7. The policy will *not* form part of the terms of employment of those Council staff employed *after* 18 September 2007 (the date on which Council revoked the policy).

8. In respect of Council's existing staff members who commenced their employment prior to 18 September 2007, we think that the policy will apply only for that period of employment to 18 September 2007.

   That is, existing employees would be entitled upon termination to cash-in (in accordance with the policy) that part of their sick leave accrued to 18 September 2007. On the other hand, the employee would not be entitled upon termination to cash-in sick leave accrued after 18 September 2007.

Please let us know if we may assist or advise further.

Yours faithfully

BOOTH BROWN SAMUELS & OLNEY

NICK WILSON

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 16

Subject: Operational Documents - Review

Author: Emma Darcy –Manager Corporate Services

File No: 013/07/01/12

Summary:

As part of Council's ongoing commitment to reviewing and upgrading Councils policies and procedures in line with Department of Local Government Promoting Better Practice – Self Assessment Checklist a number of policies have been rescinded.

Comments (including issues and background):

A number of Council's operational documents are no longer relevant to Councils operations and have been superseded by revised policies in many cases. It is proposed that the following policies be revoked:

1A GOVERNANCE
1A.2 AIR SERVICES – SUPPORT OF

Council support where possible the use of the air service which presently services the Shire.

This policy is not specific and Council supports air services through its operational procedures.

1A.3 BUSINESS PAPERS - COUNCILLORS

All reports and business papers to be delivered to Councillors at least five days before any Council Meeting except where, in the opinion of the Mayor, the matter is of an extremely urgent nature.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.4 BUSINESS PAPERS - AVAILABILITY

Business papers not be made available to the public until the Councillors copies have been first distributed.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.5 BUSINESS PAPERS - COMMENTS BY OFFICERS

That the General Manager ensure that in all reports to Council an Officer provides advice, in the form of a recommendation, in the report.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.6 BUSINESS PAPERS – RECEIPT OF CORRESPONDENCE

That the deadline for the receipt of correspondence for the meeting agenda be 5pm on the Wednesday of the fortnight before the meeting.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.7 C0MMITTEES

Council will provide representation to the following Committees:

Australian Airport Association
Barwon Darling Alliance
Camps on Claims Working Group
Castlereagh Macquarie County Council
LEMC– Local Emergency Management Committee
Lightning Ridge Mining Board
Lightning Ridge Tourist Association
Northern Regional Library Representatives
Outback Regional Arts Committee
Outback Regional Tourism Organisation
Saleyards Advisory Committee
Shires Association "C" Division
Shires Association of New South Wales (Conference Presidents of Divisions)
Shires Association Western Division
Traffic Committee
Water Resource Committees
Walgett Shire Reconciliation Committee
Weight of Loads Committee

This policy has been replaced by Council resolution 50/07 Council Representation on Committee's adopted 17 April 2007.

1A.8 COMMUNITY/PUBLIC CONSULTATION

1. Councillors shall be given reasonable notice and opportunity to be present at all community consultations on:
   a) general issues
   b) specific local issues

2. Community consultations shall be timed so that at least the Chairman of the relevant Committee of the Whole and/or the Mayor, or in his absence the Deputy Mayor, are present.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.12 COUNCIL MEETINGS – OPEN FORUM

That at the commencement of each council meeting up to half an hour be set aside for Public Forum Presentations. Each presentation is to be limited to five (5) minutes and must relate to items listed in the current meeting agenda. No debate on the presentations will be entered into at the time, but matters raised may be researched and commented upon at a later date.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.13 COUNCIL SEAL

That in accordance with clause 48 of the Local Government (Meetings) Regulation 1999:

1. The seal of the Council be kept by the General Manager.
2. When the Council seal is be affixed to a document, the resolution of Council specifically refers to the document, its terms and conditions and that the seal be affixed.
3. That the seal of Council may be affixed to a document only in the presence of:
   a. the Mayor and the General Manager; or
   b. at least one councillor (other than the Mayor) and the General Manager; or
   c. the Mayor and at least one other councillor; or
   d. at least two other councillors (other than the Mayor); or
   e. the Mayor and the Acting General Manager; or
   f. at least one other councillor (other than the Mayor) and the Acting General Manager.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.18 MEETINGS - COUNCIL

No other meetings be scheduled for Councillors on days of recognised meetings unless resolved by Council.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.19 MEETINGS – COUNCIL – TAPE RECORDING OF PROCEEDINGS

Proceedings of all Council Committee meetings may only be recorded on tape with the approval of the Mayor and General Manager. That full and accurate records of resolutions be kept by staff at all meetings of Council.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.21 PRESIDENTIAL/MAYORAL MINUTES

That all past Shire Presidents and Mayors who are no longer on Council receive a bound copy of their Presidential and/or Mayoral Minutes at their request.

This policy has been replaced by the Code of Meeting Practice adopted on 18th September 2007.

1A.23 TRAVEL ALLOWANCES

That the daily and kilometre allowance for employees supplying a vehicle in connection with their duties, be as determined by mutual consent from time to time.

Travel allowances are determined through Council Management Plan and Annual Budget.

1A.24 TRAVEL ARRANGEMENTS

That Department Heads engage the most cost effective form of transport when arranging any travel.

All Travel arrangements are determined through Council Management Plan and Annual Budget.

1B ACCOUNTANCY

1B.1 EXPENSES – BLACK OPAL STAKES

That Council's annual estimates makes provision for the payment of expenses for the following people only to attending the Black Opal Stakes in Canberra – the Opal Queen and partner, Mayor and the General Manager.

Support for this has been withdrawn by Thoroughbred Park in Canberra and the payment of expenses is therefore no longer required.

1B.2 HIRE OF COUNCILS PLANT

That all non-profit clubs, charitable and community organisations within the Shire be allowed to hire Councils plant at 2/3 the normal hire rate, as set out in the Schedule of Fees and Charges, plus any other associated costs

Fees and Charges are set annually in the Management Plan.

1B.4 OUTSTANDING DEBTS – WRITING OFF OF

That any write off of outstanding debts only be done by way of resolution of Council

This policy has been superseded by resolution 183/07 – Walgett Shire Council Small Debt Write Off Policy and Procedures and resolution 229/07 Walgett Shire Council Debt Write Off Policy and Procedures.

1B.6 QUOTES FOR CONTRACT WORK

That for all contract work the following guidelines are used:

a. Amounts greater than $ 3,000.00 - One quote is called for.
b. Amounts greater than $ 20,000.00 - Three quotes are called for.
c. Amounts over $ 100,000.00 - Refer Tender guidelines.

This policy has been superseded by resolution 150/07 – Walgett Shire Council Purchasing Policy and Procedures and resolution 183/07 Amendment to Purchasing Policy.

1B.7 SCHOOL PRIZE GIVING DONATIONS

That Council give all the schools within the Shire $50.00 for prize giving and that this be undertaken as a matter of procedure each year.
All applications for financial assistance are in accordance with section 356 of Local Government Act 1993.

All applications for financial assistance are in accordance with section 356 of Local Government Act 1993

1B.9 TERTIARY TAX

That the General Manager be given authority to approve payment of the tertiary tax only in hardship cases and such to be repaid by the employee by the means of a sundry debtor account which must be paid in full in the same year and if the employee leaves before total reimbursement the balance owing will be taken out of his termination pay and further that Council be advised when such payment is made.

This policy does not comply with Local Government State Award (2004).

1D HUMAN RESOURCES
1D.1 APPRENTICES – ENGAGEMENT OF

That Council encourage the engagement and training of locals as apprentices and trainees.

Walgett Shire Council is an Equal Employment Opportunity organisation.

1D.3 CONDITIONS OF EMPLOYMENT
1. Christmas Break

That salaried staff be granted 3 days leave between Christmas and New Year, in lieu of unpaid overtime, and subject to maintenance of adequate staffing, such leave be taken during that time, and if not taken the period be added to annual leave.

That the Council adopt a policy allowing the closure of the Council's administrative offices between the Christmas and New Year break. The closure is subject to the following conditions:

a. That Council close its administrative offices between Christmas and New Year
b. That salaries staff be granted the three days paid leave in lieu of overtime.
c. That after hours numbers be provided to the general public for the purpose of emergency enquiries
d. That the Council advertise during the month of December giving the public adequate notice of the said closures.

This policy was rescinded on 1 January 2007.

2 Bank Holiday and Annual Picnic Day Leave

In line with the second tier of wage negotiations (office to remain open) any person working Bank Holiday or Picnic Day that the time be added to their annual leave.

This policy is covered by the Local Government (State) Award 2004.

3 Corporate Dress

a. That as a condition of employment all indoor staff members must agree to partake in the scheme. (Base date 29.7.91)
b. That Council buy all items required in bulk.
c. That Council make an initial subsidy of $170.00 (base amount) to each staff member so required to partake in the scheme, the base amount then to be indexed to the maximum percentage allowed to Council for increase in rates under ratepegging legislation. Such base or indexed amount to be only paid once per calendar year. (base date 29.7.91)
d. That any balance owing to Council after subsidisation to be paid by means of payroll deductions, with a minimum payment of $20 per pay period per employee. Under no circumstances are such deductions to be terminated until full payment of debt.
e. That all Councillors be provided with a blazer and logo (cost $170.00 each) with a tie/ scarf free of charge.
f. All corporate dress should be where possible of a lightweight wool mix.

This policy is now rescinded. It has been replaced by Walgett Shire Council Staff Uniform Policy adopted May 2006.

5. Housing

That where a vacant position is require to be filled by advertising in the Sydney Morning Herald or the Australian Local Job Directory and the person who is appointed to the position then would come under the ambit of a servant who would qualify for staff housing.

That the rental of Council houses to staff who fill a position which requires advertising in the Sydney Morning Herald or Local Government Job Directory be fixed at 60% of the Housing Commission rental applicable to a 3 bedroom residence for the first 3 years of employment and each year thereafter be reduced by 10%.

That rental where a vacant position is required to be filled by advertising same in the Sydney Morning Herald or the Local Government Job Directory and the person who is appointed to the position either purchases a home or rents private accommodation in Walgett, Council pay by way of subsidy a weekly amount equal to the difference between Councils subsidised rental and the Housing Commission rental applicable to a three bedroom residence.

“Staff housing and/or subsidy to apply to designated positions within Council’s staffing structures, from time to time, subject to the incumbent attaining the maximum salary level pertaining to the position as identified by Council’s salary system.”

The designated positions referred to in the above are as follows:

Finance Manager, Assistant Finance Manager, EDP Manager, Community Development Officer, Environmental Health and Building Officer, Projects Officer (Engineering).

This policy has been replaced by the Housing Policy adopted 17th July 2007.

6. Housing – Staff Standards

That Housing of a higher standard be provided for occupation by the holders of the following positions:

General Manager and Chief Executive Corporate and Community Services
Chief Executive Technical and Emergency Services and Deputy Chief Executive Technical and Emergency Services, Chief Executive Environmental Services and Planning

This policy has been replaced by the Housing Policy adopted 17th July 2007.

7. Lease Back Scheme

That the incumbents of the following positions be offered the opportunity to lease back a Council motor vehicle, the positions being Deputy Chief Executive Technical and Emergency Services and Environmental Health/Building Officer.

This policy has been replaced by Motor Vehicle Policy adopted 17 April 2007.

11. Untaken Sick Leave on Termination

a. That after completion of 3 years continuous service with Council, provided the employee has sufficient untaken sick leave to their credit they be paid one weeks untaken sick leave for each year of service up to a maximum of 5 weeks for 5 years or more service.

b. That 1 above to be varied where there may be special circumstances advantageous to Council.

This policy was rescinded 18th September 2007 pending legal advice.

12. Jury Duty

That any employee who is summoned for jury service, be granted time off on annual leave if they wish to satisfy the summons and not claim exemption because of distance after the five days that are allowed in the Award.

This policy is covered by the Local Government (State) Award 2004.

1D.4 DISMISSAL GUIDELINES

1. THE GUIDELINE

The Dismissal Guidelines are to be read in conjunction with Walgett Shire Council's Counselling and Disciplinary Policy, to ensure that the respective State and Federal legislation with regard to dismissal is correctly implemented.

2. ELIGIBILITY

The Guidelines are to be applied in all cases of dismissal, except for:

- employees engaged under fixed term contracts, at the completion of their contract;
- employees engaged under contract of employment for a specified task, at the completion of their contract;
- probationary employees;
- casual employees engaged for a short period; and

3. DEFINITIONS

3.1 Unfair Dismissal

A dismissal may be deemed unfair by State or Federal Industrial Commissions if:

- the dismissal was unfair and unreasonable under the circumstances
- although the incident prompting the dismissal was a serious breach, the employee's record was good. They may take into account features such as, the length of service and/or quality of service;
- the Council acted on misinformation;
- the Council over-reacted to the employee's actions.

3.2 SHORT TERM CASUAL EMPLOYMENT

A casual is to be taken to be a short term casual unless:

- they have been employed on a regular basis for at least twelve 12) months; and
- the employee could have reasonably expected a continuing employment with the organisation.

3.3 PROBATIONARY EMPLOYMENT

A probationary employee is an employee serving a period of probation or qualifying period of employment that has been determined in advance and is of a reasonable duration.

4. PROVISIONS

4.1 PROCEDURAL FAIRNESS

The legislation requires that a proper investigation into the misconduct or performance deficiency is conducted. This provision can be ensured by following the Walgett Shire Council Counselling and Disciplinary Policy and/or the Harassment Policy and Grievance Procedures.

4.2 OPTIONAL RESIGNATION

In the event of serious misconduct a long serving, previously efficient employee may be offered the option of resigning. When such a situation exists it is imperative that the provision of Procedural Fairness is still properly followed.

4.3 INVALID GROUNDS FOR TERMINATION

The following are reasons, which can **NEVER** be valid grounds for termination:

- temporary absence due to illness or injury;
- union membership or participation in union activities outside working hours or during working hours with consent;
- non-union membership;
- seeking office, acting or having acted as an employee representative;
- filing a complaint or participating in proceedings against an employer involving an alleged violation of law or regulations;
- race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibility, pregnancy, religion, political opinion, national extraction, or social origin; and any other grounds in accordance with Anti Discrimination legislation.
- absence from work during maternity, parental or other leave.

4.4 JUSTIFICATION

"The employer should consider before dismissing any employee on either grounds of misconduct or performance deficiency, whether the employer will be able to justify the dismissal before a court or tribunal that may sympathise with the employee (particularly if the employee has more than one year's service to the employer). This may require the employer, seeking legal or industrial advice, prior to carrying out the dismissal."
(CCH Australian Personnel Management – Guidelines for Employer)

5. PERIOD OF NOTICE

5.1 Required period of notice, for all dismissals is in accordance with Clause 30 Termination of Employment – Local Government (State) Award 2001.

5.2 The only exception to these notice periods is if the employee is guilty of serious misconduct. In such cases any notice requirement is waived.

5.3 The General Manager must be informed of the proposal to dismiss an employee and justification provided.

5.4 The Council must provide a written notice of termination at the time of dismissal, signed by the General Manager. Under exceptional circumstances the written notice of dismissal may be forwarded to the employee by courier or some form of registered postage.

6. APPEALS AGAINST DISMISSAL

If an ex-employee believes he/she has been unfairly dismissed, then he/she may appeal.

6.1 INTERNAL

Within seven (7) days in writing to:

- The respective Group Manager; or
- The General Manager.

If the dismissal is deemed unfair then the employee may be compensated by:

- reinstatement to the former position on terms not less favourable than if the employee was not dismissed;
- reinstatement at a lower grading; or
- re-employment in another position.

6.2 EXTERNAL

- To the Industrial Relations Commission of New South Wales within twenty one (21) days of the written notice of termination being issued. The application may be made by the individual or a trade union on behalf of its member.

6.3 EXTERNAL REMEDIES FOR UNFAIR DISMISSAL

The Industrial Relations Commission of New South Wales has the power to:

- reinstate the employee to the former position on terms not less favourable than if the employee had not been dismissed;
- award compensation not exceeding lost remuneration during time of dismissal;
- order the employer to re-employ the employee in another position;
- award compensation not exceeding lost remuneration if not dismissed;
- award compensation not exceeding remuneration during the six months immediately prior to dismissal if not re-instated or re-employed;
- order an employer not to dismiss the employee.

This policy is covered by Local Government (State) Award 2004 and Council's Code of Conduct adopted 19 May 2005 and reviewed 21 September 2006.

1D.6 INCENTIVE BONUS

That Council support an incentive bonus scheme whereby staff are rewarded for productive suggestions which are assessed as being of benefit financially to the Council. The suggestions must be in writing and will be assessed by Senior Management who will recommend to Council the amount of bonus to be paid.

It is recommended to Council that this policy be withdrawn effective immediately.

2 REGULATIONS
2A. PLANNING
2A.1 BUILDING LINE

That a nine (9) metre building line applies to all town and village areas (excluding the Aerodrome subdivision, Walgett).

It is recommended to Council that this policy be withdrawn effective immediately.

2A.3 DIVERSION OF EASTERN WATERS

That Council's policy be to support the diversion of eastern waters into western rivers.

It is recommended to Council that this policy be withdrawn effective immediately.

2B. REGULATION
2B.1 Advertising Banners

1. That Council endorse the approval of signs upon footpaths and roadways in the following situations:-
   (a) Shopping precincts of all urban areas throughout the shire.
   (b) In Walgett midway between the projection of a line indicated by the parking bay delineators and at the vehicle stops on the footpath side.
   (c) In other areas at the kerb line and upon the footpath located so as not to impede pedestrian access.
   (d) In gardens or affixed to tree guards subject to specific
   (e) consideration of individual case. (Sight considerations and injury requiring special consideration.)

2. That Council restrict signs to a maximum size of 750mm wide and 1200mm high.

3. That Council limit signs to one double sided sign per premises.

4. Those applicants hold Council jointly indemnified for up to $10m for any incident that may occur.

5. That application be required in writing setting out full particulars of proposed location, size, content and providing a copy of indemnity with original to be sighted (this may be a condition of approval).

6. That during the tenure of the signs location upon the footpath or garden/tree guard, joint indemnity be maintained.

7. That prohibited advertising, advertising of alcoholic products or offensive advertising not be permitted.

8. That signs not be displayed outside the business hours of the premises to which it relates.

9. That application fee be as set in fees and charges.

10. That approval be required annually.

11. That all signs be of a professional quality and be maintained.

This policy is dealt with under Walgett Shire Council Local Approvals Policy which commenced 13 February 2007.

2B.3 BUILDINGS – INCOMPLETE DWELLINGS

That approval for occupation be granted following inspection and satisfactory report by Council Officers and the situation be reviewed in six months to ensure satisfactory progress is being made towards completion of such building.

It is recommended to Council that this policy be withdrawn effective immediately. Each approval is assessed case by case.

2B.4 CARAVANS – USE OF

That Council permit the use of caravans where not inconsistent with the Local Government Act provisions under the following conditions subject to written application.

a. In conjunction with dwellings by visitors for one (1) month only.
b. Building / construction camps for major projects on a month to month basis.
c. During dwelling construction on a three (3) month basis providing the dwelling is commenced to floor level and review after three (3) months.

This policy is dealt with under Walgett Shire Council Local Approvals Policy which commenced 13 February 2007.

2B.5 DISPLAY OF SIGNS

Council resolved:

1. That Council endorse the approval of **signs upon footpaths and roadways** in the following situations:-
   (a) Shopping precincts of all urban areas throughout the shire.
   (b) In Walgett midway between the projection of a line indicated by the parking bay delineators and at the vehicle stops on the footpath side.
   (c) In other areas at the kerb line and upon the footpath located so as not to impede pedestrian access.
   (d) In gardens or affixed to tree guards subject to specific consideration of individual case. (Sight considerations and injury requiring special consideration.)

2. That Council restrict signs to a maximum size of 750mm wide and 1200mm high.

3. That Council limit signs to one double sided sign per premises.

4. That applicants hold Council jointly indemnified for up to $10m for any incident that may occur.

5. That application be required in writing setting out full particulars of proposed location, size, content and providing a copy of indemnity with original to be sighted (this may be a condition of approval).

6. That during the tenure of the signs location upon the footpath or garden/tree guard, joint indemnity be maintained.

7. That prohibited advertising, advertising of alcoholic products or offensive advertising not be permitted.

8. That signs not be displayed outside the business hours of the premises to which it relates.

9. That application fee be as set in fees and charges.

10. That approval be required annually.

11. That all signs be of a professional quality and be maintained.

This policy is dealt with under Walgett Shire Council Local Approvals Policy which commenced 13 February 2007.

2B.6 HORSES – KEEPING OF

1. Implementation of the powers outlined in Schedule 5 Section 6 of the Local Government (Orders) Regulation 1993.
2. No horse to be kept closer than 9 metres to any dwelling or other specified building or such greater distance as the Council may by resolution require in the circumstances.
3. Stables shall be provided in every case and Development Applications must be submitted.
4. Yard and premises to be sufficiently fenced to prevent the escape of animals and drained to Councils satisfaction.
5. Premises to be maintained at all times free from nuisance, flies, vermin and offensive odour.
6. Provision of waterproof and fly proof manure receptacle.
7. All manure to be removed from the yard and paved areas daily, and from the premises at least once in every seven consecutive days.
8. All feed receptacles to be vermin proof and fly proof.
9. Internal fence of yard to be separate from adjoining neighbours boundary fence and at least one metre away from such boundary.
10. Any number of horses/ ponies may be allowed on an individual allotment provided each animal is provided with a stable of an area not less that 10m2 and an area not less that 20m2 for the yard.
11. The matter of impervious floors for stables is to be referred to Advisory Committee meetings for decision. Walgett decision to be made by Walgett urban
12. 12. The Council agrees to the three weeks prior to the Walgett Pony Camp, Walgett rodeo or Walgett Show that the requirements for the provision of stables be waived but that the other requirements as listed be adhered to.

This policy is dealt with under Walgett Shire Council Local Orders Policy which was adopted 19 October 2006.

2B.9 MINING

b. Camps on Mining Fields

1. That on Councils Permissive Occupancy, miners be given a residential title and pay money to be controlled by Council or the Mining Board, and spent for the benefit of Lightning Ridge not to the Treasury.
2. That on other areas outside the Permissive Occupancy the current rules apply, re buildings and dogs and that the Department of Mineral Resources see that they are implemented
3. That the long term view be that the Mining Board acquire and control the land affected by mining.

It is recommended to Council that this policy be withdrawn effective immediately.

2B.10 STREET STALLS

That Council, when determining conditions applying to public collections, will favour charities and not for profit organisations which are established or operate within the Shire.

This policy is dealt with under Walgett Shire Council Local Approvals Policy which commenced 13 February 2007.

3 ENGINEERING
3.2 FLOOD PREPAREDNESS MONTH

That the month of April be declared the annual Flood Preparedness Month and a report, prepared by the Engineer, advising Council of the state of preparedness be included in the May Council Business Paper of each year.

It is recommended to Council that this policy be withdrawn effective immediately.

3.8 USE OF COUNCIL PLANT

That Council permit the use of its plant by outside organisations (e.g. roads, clean-ups), provided the plant is operated on a voluntary basis by Council staff and approval has been granted by the Manager Technical, Operational and Emergency Services.

It is recommended to Council that this policy be withdrawn effective immediately.

Relevant Reference Documents:

Local Government (State) Award 2004
WSC Code of Meeting Practice
Various WSC Council Minutes
WSC Management Plan 2007/2008 – 2011/2012
Letter received from Thoroughbred Park dated 4 May 2006
WSC Debt Write off Policy
Local Government Act 1993
WSC Housing Policy
WSC Motor Vehicle Policy

Stakeholders:

Walgett Shire Council
Walgett Shire Council Staff

Financial Implications:

Nil

Recommendations:

That Council resolve to rescind the following policies:

1A.2 AIR SERVICES – SUPPORT OF
1A.3 BUSINESS PAPERS - COUNCILLORS
1A.4 BUSINESS PAPERS - AVAILABILITY
1A.5 BUSINESS PAPERS - COMMENTS BY OFFICERS
1A.6 BUSINESS PAPERS – RECEIPT OF CORRESPONDENCE
1A.7 C0MMITTEES
1A.8 COMMUNITY/PUBLIC CONSULTATION
1A.12 COUNCIL MEETINGS – OPEN FORUM
1A.13 COUNCIL SEAL
1A.18 MEETINGS - COUNCIL
1A.19 MEETINGS – COUNCIL – TAPE RECORDING OF PROCEEDINGS
1A.21 PRESIDENTIAL/MAYORAL MINUTES
1A.23 TRAVEL ALLOWANCES
1A.24 TRAVEL ARRANGEMENTS
1B.1 EXPENSES – BLACK OPAL STAKES
1B.2 HIRE OF COUNCILS PLANT
1B.4 OUTSTANDING DEBTS – WRITING OFF OF
1B.6 QUOTES FOR CONTRACT WORK
1B.7 SCHOOL PRIZE GIVING DONATIONS
1B.9 TERTIARY TAX
1D.1 APPRENTICES – ENGAGEMENT OF
1D.3 CONDITIONS OF EMPLOYMENT 1. Christmas Break
1D.3 CONDITIONS OF EMPLOYMENT 2. Bank Holiday and Annual Picnic day
1D.3 CONDITIONS OF EMPLOYMENT 3. Corporate Dress
1D.3 CONDITIONS OF EMPLOYMENT 5. Housing
1D.3 CONDITIONS OF EMPLOYMENT 6. Housing Staff Standards
1D.3 CONDITIONS OF EMPLOYMENT 7. Lease Back Scheme
1D.3 CONDITIONS OF EMPLOYMENT 11. Untaken Sick Leave on Termination
1D.3 CONDITIONS OF EMPLOYMENT 12. Jury Duty
1D.4 DISMISSAL GUIDELINES
1D.6 INCENTIVE BONUS
2A.1 BUILDING LINE
2A.3 DIVERSION OF EASTERN WATERS
2B.1 ADVERTISING BANNERS
2B.3 BUILDINGS – INCOMPLETE DWELLINGS
2B.4 CARAVANS – USE OF
2B.5 DISPLAY OF SIGNS
2B.6 HORSES – KEEPING OF
2B.9 MINING b. Camps on Mining Fields
2B.10 STREET STALLS
3.2 FLOOD PREPAREDNESS MONTH
3.8 USE OF COUNCIL PLANT

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 17

Subject: Review Uniform - Policy

Author: Emma Darcy –Manager Corporate Services

File No: 022/16/01/48

Summary:

Walgett Shire Council's Staff Uniform Policy is due for revision. It is recommended that changes to the policy in relation to the indoor staff uniform provision be adopted.

Comments (including issues and background):

A revised uniform policy was adopted by Council in 2005. This policy addresses the uniform requirements and Councils contribution towards the cost of uniform for the indoor and outdoor staff.

The uniform requirements for the outdoor staff have not changed in this policy.

It is proposed that the requirements for the indoor staff be changed from a $399.00 contribution every two years to an annual contribution of $200.00. This proposed change will ease the administration of the uniform contribution and will allow staff to update or replace their uniform more regularly. The initial contribution has also increased from $399.00 to $439.00 to accommodate the increase in the cost of combination packs that are offered with savings on individual prices.

Relevant Reference Documents:

Walgett Shire Council Staff Uniform Policy

Stakeholders:

Walgett Shire Council
Walgett shire Council Staff
Local Government Corporate Collection by NNT

Financial Implications:

Cost of initial contribution from $399.00 to $439.00 for new staff.

Recommendations:

1. **That Council adopt the amended Walgett Shire Council Staff Uniform Policy as attached.**

2. **That the Walgett Shire Council Staff Uniform Policy be reviewed in October 2009.**

STAFF UNIFORM POLICY

POLICY:

To promote a professional image, comply with current Occupational Health and Safety legislation and to increase and maintain pride and a high morale amongst staff, Walgett Shire Council provides access to a uniform standard of dress that is required to be worn by all staff, as appropriate, at all times whilst employed by Council.

Ownership

All items of clothing, apart from that which is purchased privately, shall remain the property of Walgett Shire Council. All logos and badges pertaining to employment with the Walgett Shire Council remain the property of Walgett Shire Council and shall be returned to the Stores Officer at Council's store for destruction or re-issuing, when an employee ceases employment with Council.

Appearance

Staff will wear the appropriate uniform in a manner that reflects the professional attitude of the Walgett Shire Council and dress appropriately for the tasks being undertaken.

Personnel should be aware that whilst they are wearing Council's uniform, they are representing Council and therefore should act in a manner that reflects the professionalism of Council. Staff is not to wear uniform at times when they are not involved in Council activities, i.e. to clubs and hotels, after hours when in public view, on weekends, if not actively involved in Council activities.

Indoor staff

Councils only authorised supplier of uniforms is Local Government Corporate Collection by NNT. All employees, (*following the probationary period)* once they are employed as a permanent Council employee are entitled to order uniforms through this Council supplier.
(*Exception to this will be made for Customer Service Officers who will be entitled to wear Corporate Dress from the date of appointment.)*

Council will contribute an amount of $439.00 to assist in the initial purchase of uniform. This contribution is made available to enable new staff to purchase a suit pack or a combination of packs on their commencement. Once a staff member has been employed for greater than twelve month an annual contribution of $200.00 will be made available to staff each year on 1st July. This contribution will be credited to an employee debtor account to be expended by 30th June in that financial year.

Any amount of contribution remaining at 30 June of any financial year will be refunded back to Council. This does not include any uniform orders committed but not paid prior to 30th June.

AMENDED POLICY
To be adopted October 2007

1.

STAFF UNIFORM POLICY

For example, Grace commenced employment on 3rd January 2008. Following her three month probation she was entitled to a contribution of $439.00 for the initial purchase of a suit pack. She does not receive a contribution of $200.00 on 1 July 2008 as she has not been employed for greater than twelve (12) months. She is entitled to the $200.00 annual contribution on 1 July 2009 and every year thereafter.

The Following items of clothing **are not to be worn:**

- Polo shirts
- Shorts
- Sleeveless shirts
- Open heeled shoes
- Sandals
- Thongs

A copy of the current Corporate Clothing catalogue can be obtained from the General Manager's Executive Assistant.

Orders for uniform items are to be made to the General Manager's Executive Assistant.

All staff will wear shoes/boots that fully encompass the foot. Open heals, open toed shoes, sandals, thongs are not to be worn. High-heeled shoes are not recommended.

Outdoor staff

Outdoor staff will be issued on a yearly basis as a minimum:
3 pair trousers or shorts (or a combination of)
3 shirts
1 pair overalls (upon request)
1 pair boots

If requested
1 cold weather jacket or jumper
1 pr gumboots
1 wet weather wear (raincoat / trousers)
1 night compliant vest
1 kit bag

Staff that chooses to wear shorts will be required to read and sign an agreement, (Appendix C), that they will follow the guidelines as laid down in appendix A to this policy.
This will be placed on the staff member's personal file.

STAFF UNIFORM POLICY

Items considered as Personal Protective Equipment (PPE), also issued include:
1 water bottle
1 broad brimmed hat
Sunglasses
Safety Glasses / goggles
Gloves
Wet weather coat
Sunscreen

Clothing will be re-issued on a needs basis.
Items requiring replacing need to be returned to the Stores Officer as damaged.

Special circumstances:

- Mechanics are to be issued with Cotton Drill, Closed Front Shirts.
- Technical Officers (salaried staff) are to wear corporate dress.
- Team Leaders are to wear corporate dress when representing Council away from the workplace.
- Flocon crew are to receive two pair work boots
- Water and Sewerage crew are to receive two pair work boots

Policy adopted and implemented.....(date)

.....
Stephen McLean
General Manager
Walgett Shire Council

STAFF UNIFORM POLICY

Appendix A

Outdoor staff can elect to wear shorts as supplied by Walgett Shire Council.

Shorts can be requested as a part of the initial clothing issue in lieu of trousers or on a replacement basis when trousers need to be replaced due to wear.

Staff electing to wear shorts are required to comply with the following guidelines:

- The shorts are not to be altered from there original design in any way
- The wearer is to apply sunscreen to the exposed legs at least every two hours, (maximum exposure time)
- Wearing shorts does not negate the necessity to wear proper PPE as the job dictates. For example, a staff member performing 'whipper snipping' as part of lawn mowing or edge trimming, will wear full leg covering trousers or overalls. Duties requiring full leg covering are listed in appendix B.
- Any injuries received whilst wearing shorts or as a result of wearing shorts is to be reported immediately to the Supervisor and the OH&S Coordinator

STAFF UNIFORM POLICY

Appendix B

List of duties requiring full leg covering.

- Lawn mowing using a push mower
- Whipper snipping, edge trimming
- Tree trimming using a chainsaw
- Tree felling using a chainsaw
- Welding – electric or gas
- Metal Cutting using gas cutting equip
- Metal cutting using electrical cutting machine
- Spray painting
- Tar patching – spray emulsion
- Chemical applications
- Treatment works
- All hazardous/dangerous situations
- Any other work requiring full leg protection.

If in doubt – wear full leg coverings.

STAFF UNIFORM POLICY

Appendix C

Staff members wishing to wear shorts are required to sign the statement below and return to the Stores Officer who will arrange for Human Resources to place on the staff members personal file.

I ..... Have read, and understand the conditions laid down in the guidelines to the Uniform Policy in relation to the wearing of shorts.
I agree to comply with the guidelines.

Signature..... Date.....

Stores Officer.....

STAFF UNIFORM POLICY

Review timetable

Devised Date	Revue Date	Reviewed by	Signature	G.M Signature
April 2006	May 2006	OHS committee		
October 2007	October 2008	OHS Committee		
	May 2008	OHS Committee		

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 18

Subject: Walgett Shire Council Internal Reporting Policy - Update

Author: Bronwyn Newton – Coordinator Human Resources

File No: 145/02/04/00

Summary:
This report is presented to Council to advise the progress of the review of Council's Protected Disclosures Act, 1994 – Internal Reporting Policy.

Comments (including issues and background):

The Department of Local Government has provided Council a circular on the Protected Disclosures Act 1994 - Model Internal Reporting Policy.

Five Walgett Shire Council employees are attending Protected Disclosures training at Moree Plains Shire Council on Monday 15th October 2007. The trainer has offered to review Council's Protected Disclosures – Internal Reporting Policy as part of the training.

Walgett Shire Council intends to have the Protected Disclosures Act 1994 – Internal Reporting Policy reviewed at the training being held 15th October 2007 and then tabled at the next Consultative Committee Meeting being held 7th November 2007 for endorsement.

The reviewed and endorsed Protected Disclosures Act 1994 – Internal Reporting Policy will be presented at the Council Meeting being held 20 November 2007.

Relevant Reference Documents:

- Walgett Shire Council Internal Reporting Policy

Stakeholders:

- Walgett Shire Council
- Walgett Shire Community
- New South Wales Department of Local Government

Recommendation:

That Council note that the progress of the Protected Disclosures Act 1994 – Internal Reporting Policy.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 19

Subject: Walgett Shire Council Code of Conduct - Review

Author: Bronwyn Newton – Coordinator Human Resources

File No: 145/02/04/00

Summary:
This report is presented for the review and adoption of Council's Code of Conduct for a further twelve months.

Comments (including issues and background):

The *Local Government Act 1993*, Section 440 requires Council to review its Code of Conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in New South Wales.

Councillors, members of staff of council and delegates of the council must comply with the applicable provisions of council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Walgett Shire Council adopted a Code of Conduct Policy incorporating the Model Code of Conduct for Councils in New South Wales and the guidelines at its meeting held on 19 May 2005.

Following this adoption, extensive training has been provided to all Staff of Walgett Shire Council and continues to be provided to new employees.

This Policy was reviewed and adopted for a further twelve months on 21 September 2007 and is now due for review and adoption for a further twelve months.

Relevant Reference Documents:

- Walgett Shire Council Code of Conduct Policy

Stakeholders:

- Walgett Shire Council
- Walgett Shire Community
- New South Wales Department of Local Government

Recommendation:

That Walgett Shire Council's Code of Conduct Policy be adopted for a further twelve months, with a review of the Policy to be held on 21 September 2008.

Code of Conduct
for Walgett Shire Council

Adopted:	Council Meeting held 19 May 2005 Council Meeting held 21 September 2006
Review:	21 September 2007

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1. INTRODUCTION

The *Local Government Act 1993* requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW. Councillors, members of staff of council and delegates of the council must comply with the applicable provisions of council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with an applicable requirement of council's code of conduct constitutes misbehaviour. Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

2. DEFINITIONS

In the model code of conduct the following definitions apply:

Council official	includes councillors, members of staff of council and delegates of council
Delegates of council	a delegate of council is a person or body to whom a function of council is delegated
Designated person	see the definition in section 441 of the Local Government Act 1993
Act of disorder	see the definition in clause 29 of the Local Government (Meetings) Regulation 1999
The Act	the Local Government Act 1993

The term "you" used in the model code of conduct refers to council officials.

References to sections in the model code of conduct are references to sections in the *Local Government Act 1993*.

3. PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct for Local Councils in NSW sets the minimum requirements of behaviour for council officials in carrying out their functions. The model code is prescribed by regulation.

The model code of conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

4. KEY PRINCIPLES

The Model Code of Conduct for Local Councils in NSW is based on the following key principles:

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

4.3 Selflessness

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

4.4 Objectivity

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

4.5 Accountability

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5. GENERAL CONDUCT OBLIGATIONS

General conduct

5.1 You must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, you must avoid conduct that:

- contravenes the Act, associated regulations and council's relevant administrative requirements
- is detrimental to the pursuit of the charter of a council
- is improper or unethical
- is an abuse of power or otherwise amounts to misconduct
- causes, comprises or involves intimidation, harassment or verbal abuse
- causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- causes, comprises or involves prejudice in the provision of a service to the community. *(Schedule 6A of the Act)*

5.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. *(section 439)*

5.3 You must treat others with respect at all times.

Fairness and equity

5.4 You have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established procedures, in a non-discriminatory manner.

5.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

5.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender.

Development decisions

5.7 It is your duty to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid impropriety. You must also avoid any occasion for suspicion and any appearance of improper conduct.

5.8 In determining development applications, it is essential that you are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

Guide to ethical decision-making

5.9 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Remember – you have the right to question any instruction or direction given to you which you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This includes your supervisor or trusted senior officer, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

6. CONFLICT OF INTERESTS

Pecuniary and non-pecuniary conflict of interests

6.1 A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

6.2 You must appropriately resolve any conflict or incompatibility between your private or personal interests and the impartial performance of your public or professional duties.

6.3 Any conflict between your interests and those of council must be resolved to the satisfaction of the council. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.

6.4 It is essential that you properly address conflict of interests issues that may arise. You must:

- try to understand the concept and practical implications of conflict of interests issues
- accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government
- take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

6.5 Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.

6.6 Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

6.7 If you are in doubt whether a conflict of interests exists, you should seek legal or other appropriate advice.

6.8 A conflict of interests can be of two types:

Pecuniary - An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. *(sections 442 and 443)*

Non-pecuniary - A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

6.9 Pecuniary interest is regulated by Chapter 14 Part 2 of the Act. The Act requires that:

- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
- councillors or members of council committees disclose an interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
- designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*

Designated persons are defined at section 441 of the Act.

6.10 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

6.11 If you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict. If this is in a meeting, do so as soon as practicable.

6.12 If you have declared a non-pecuniary conflict of interests you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interests in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.

- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).

- Include an independent person in the process to provide assurance of probity (for example, for tendering or recruitment selection panels).

Other business or employment

6.13 A member of staff of council who is considering outside employment or contract work that relates to the business of the council or that might conflict with their council duties, must notify and seek the approval of the general manager in writing. *(section 353)*

6.14 Before you engage in outside employment or business you must ensure that it will not:

- conflict with your official duties
- interfere with your council work
- involve using confidential information or council resources obtained through your work with the council
- require you to work while on council duty
- discredit or disadvantage the council.

Political support

6.15 Councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Personal dealings with council

6.16. You will inevitably deal personally with your council (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment for yourself or your family because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

7. PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts or benefits

7.1 You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

7.2 You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of your official duties.

7.3 You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

Token gifts and benefits

7.4 Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business
- free meals, of a modest nature, and/or beverages provided to council officials who formally represent their council at work related events such as training, education sessions, workshops
- refreshments, of a modest nature, provided at conferences where you are a speaker
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages
- invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as, council committees and community organisations.

Gifts of value

7.5 You must never accept an offer of money, regardless of the amount.

7.6 In general, you must not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.

7.7 If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the general manager. The supervisor, Mayor or general manager will ensure that any gifts received are recorded in a Gifts Register.

7.8 You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.

7.9 You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

7.10 Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding $500 made by the same person during a period of 12 months or less. *(required to be included in the disclosure of interests returns – section 449)*

Improper and undue influence

7.11 You must not take advantage of your position to improperly influence other council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else.

7.12 You must not take advantage (or seek to take advantage) of your status or position with, or functions performed for, council in order to obtain unauthorised or unfair benefit for yourself or for any other person or body.

8. RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors

8.1 Each council is a statutory corporation. The councillors are the governing body of the corporation. Councillors have the responsibility of directing and controlling the affairs of the council in accordance with the Act.

8.2 Councillors must:

- refrain from directing council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor exercising their power under section 226 of the Act *(section 352)*
- refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate *(Schedule 6A of the Act)*
- refrain from contacting a member of the staff of the council unless in accordance with procedures governing the interaction of councillors and council staff that have been authorised by the general manager

- not contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor exercising their power under section 226 of the Act.

Role of the Mayor

8.3 The role of the Mayor is defined by section 226 of the Act. This role is the same whether the Mayor is popularly elected or elected by the councillors.

Obligations of staff

8.4 The General Manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

8.5 Members of staff of council have an obligation to:

- give their attention to the business of council while on duty
- ensure that their work is carried out efficiently, economically and effectively
- carry out lawful directions given by any person having authority to give such directions
- give effect to the lawful policies, decisions and practices of the council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

8.6 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (Meetings) Regulation 1999* during council and committee meetings.

8.7 You must respect the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

8.8 The following interactions are inappropriate:

- Councillors approaching council staff other than directors or senior staff for information on sensitive or controversial matters.
- Council staff approaching councillors directly on individual staffing matters.
- Councillors approaching council staff outside the council building or outside hours of work to discuss council business.
- Council staff refusing to give information which is available to other councillors to a particular councillor because of the staff member's or councillor's political views.
- Councillors who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- Councillors being overbearing or threatening to council staff.
- Councillors directing or pressuring council staff in the performance of their work, or recommendations they should make.

- Council staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Councillors approaching council staff organisations; for example unions and associations; in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.
- Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor, exercising their power under section 226 of the Act.

9. ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor access to information

9.1 A council must provide access to the documents available under section 12 of the *Local Government Act 1993* to all members of the public, and to councillors. A council must also provide councillors with information sufficient to enable them to carry out their civic functions.

9.2 Any information that is given to a particular councillor in the performing of their civic duties must also be available to any other councillor who requests it.

9.3 Councillors who have a personal (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

9.4 Members of staff of council have an obligation to provide full and timely information to councillors about matters that they are dealing with in accordance with council procedures.

9.5 Councillors have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

9.6 The general manager and public officer must act reasonably in deciding whether a document sought by a councillor should be made available under section 12 of the *Local Government Act 1993* or because it is relevant to the performance of the councillor's civic duty. The general manager or public officer must state the reasons for the decision if access is refused.

Use of council information

9.7 You must:

- protect confidential information
- only access information needed for council business
- not use confidential information for any non-official purpose
- only release confidential information if you have authority to do so
- only use confidential information for the purpose it is intended to be used
- only release other information in accordance with established council policies and procedures and in compliance with relevant legislation
- not use council information for personal purposes
- not disclose any information discussed during a confidential session of a council meeting.

9.8 You must carry out your duties in a manner that allows council officials and the public to remain informed about local government activity and practices.

9.9 You must not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person.

9.10 You must not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you had access in the exercise of your official functions or duties by virtue of your office or position.

9.11 You must not use confidential information with the intention to improperly cause harm or detriment to your council or any other person or body.

Security of information

9.12 You must take care to maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

9.13 When dealing with personal information you must comply with:

- *the Privacy and Personal Information Protection Act 1998,*
- *the Health Records and Information Privacy Act 2002,*
- the Information Protection Principles and Health Privacy Principles,
- council's privacy management plan,
- the Privacy Code of Practice for Local Government

Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

Use of council resources

9.14 You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

9.15 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- the representation of members with respect to disciplinary matters
- the representation of employees with respect to grievances and disputes
- functions associated with the role of the local consultative committee.

9.16 You must be scrupulous in your use of council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

9.17 You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

9.18 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

9.19 You must not convert any property of the council to your own use unless properly authorised.

9.20 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

9.21 As elected members of the council, councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillor's rooms, and public areas of council's buildings during normal business hours and for meetings. Should councillors need access to these facilities at other times, authority is required from the general manager in order that necessary arrangements can be made.

9.22 Councillors must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

9.23 Councillors must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters and /or a perception that they may bring influence to bear on council staff decisions and should conduct themselves accordingly.

10. REPORTING BREACHES, COMPLAINT HANDLING PROCEDURES & SANCTIONS

Corrupt conduct, maladministration and waste of public resources

10.1 You have an obligation to act honestly. You should report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources in accordance with council's internal reporting policy.

10.2 The Protected Disclosures Act 1994 provides certain protections against reprisals for council officials who report such matters. It is an offence to take detrimental action against people who make such reports.

Reporting breaches of the code of conduct

10.3 You should report suspected breaches of the code of conduct to the general manager, preferably in writing.

10.4 Where you believe that the general manager has failed to comply with this code, you should report the matter to the Mayor, preferably in writing, who will report the matter to the conduct committee.

Complaint handling procedures – staff conduct (excluding the general manager)

10.5 Where appropriate, the general manager will make enquiries, or cause enquiries to be made, into breaches of the code of conduct regarding members of staff of council and others engaged by the council and will determine the matter.

10.6 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing.

10.7 Enquiries made into staff conduct which might give rise to disciplinary action must occur in accordance with the relevant local government award and make provision for procedural fairness including the right of an employee to be represented by their union.

Complaint handling procedures – councillor and general manager conduct

10.8 Council will establish a conduct committee that will consist of the Mayor, any other Councillor, the General Manager, independent legal representative, and one other person independent of Council. The independent representative/s should comprise council's nominated legal adviser or other independent person/s of appropriate standing. In the instance of a complaint being made by or against the Mayor or the General Manager, the Deputy Mayor, or another councillor who has been designated by council, will take the place of the Mayor or General Manager on the committee. A quorum of three is required before any complaint can be heard.

10.9 Councillors should report suspected breaches of the code of conduct to the general manager, preferably in writing, in the first instance and refrain from making allegations at council meetings. Where appropriate, the general manager will report the matter to the conduct committee.

10.10 Where the general manager has determined not to report the matter to the conduct committee, the general manager will give the complainant the reason/s in writing.

10.11 Council's conduct committee is responsible for making enquiries into allegations of breaches of the code of conduct by councillors and must either:

- determine not to make enquiries into the allegation and give the reason/s in writing
- make enquiries into the alleged breach to determine the particular factual matters, or
- engage an independent person to make enquiries into the allegation to determine the particular factual matters.

10.12 Enquiries made by the general manager, an independent person or the conduct committee will follow the rules of procedural fairness. The enquirer must:

- inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them
- provide the person/s with a reasonable opportunity to put their case
- hear all parties to a matter and consider submissions
- make reasonable enquiries before making a recommendation
- ensure that no person is involved in enquiries in which they have a direct interest
- act fairly and without bias, and
- conduct the enquiries without undue delay.

10.13 Council's conduct committee must decide whether a matter reported to it discloses a prima facie breach of this code. The conduct committee will report its findings, and the reasons for these findings, in writing to the council, the complainant and the person subject of the complaint.

10.14 The conduct committee may recommend that council take any actions provided for in this code of conduct that the committee considers reasonable in the circumstances.

Sanctions

10.15 Where the council finds that a councillor has breached the code, it may decide by resolution to:

- censure the councillor for misbehaviour in accordance with section 440G of the Act
- require the councillor to apologise to any person adversely affected by the breach
- counsel the councillor
- make public findings of inappropriate conduct
- refer the matter to an appropriate investigative body if the matter is serious (for example, the Department of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police)
- prosecute for any breach of law.

10.16 Sanctions for staff depend on the severity, scale and importance of the breach and must be in accordance with any staff agreements, awards, industrial agreements and contracts.

COUNCILLOR MISBEHAVIOUR

10.17 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. *(section 440F)*

10.18 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

10.19 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

10.20 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

10.21 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

10.22 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

10.23 Council cannot request suspension on this ground unless the councillor has been:

- *formally censured for the incident of misbehaviour concerned, or*
- *expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.*

10.24 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 20

Subject: Monthly Management Report to 30 September 2007

Author: Myrene Lovegrove - Accountant

File No: 180/08/00/00

Summary:

This report presents to Council the quarterly financial review for the period ending 30th September, 2007.

Comments (including issues and background):

The quarterly review is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and is an essential aspect of Council's financial management.

At the Council extraordinary meeting held on 28th June 2007, Council adopted the 2007/2008 – 20011/2012 Management Plan, which incorporated the annual budget for Council for 2007/2008.

General Budgetary Position

This review analyses the financial performance of the Council for the period ending 30th September 2007, comparing actual expenditure and revenue against the budget. Council's budgetary position for the period ending August 2007 is financially sound. The Budgeted surplus was $9,683,749 and at the end of September 2007 the surplus based on actual's was $9,358,235

The results for the period are summarised as follows:

	Original Budget	Actuals	% of Budget
Corporate Services			
Income			
River Towns	10,000	-	0.00%
Corporate Services	2,000	-	0.00%
Human Resources	9,500	14,147	148.92%
Tourism	17,000	3,754	22.08%
Agencies	55,000	11,120	20.22%
Economic Development	70,000	-	0.00%
Finance	48,000	18,065	37.64%
Rates General	3,866,453	3,847,203	99.50%
Untied Grants	2,390,219	606,614	25.38%
Capital utilisation	407,465	201,131	49.36%
Revenue	10,920	9,265	84.84%
Total Income	6,886,557	4,711,299	68.41%
Expenditure			
Members & Civic	526,286	166,978	31.73%
Executive	309,137	75,327	24.37%
River Towns	15,460	2,407	15.57%
Corporate Services	624,733	115,996	18.57%
Human Resources	450,738	86,991	19.30%
Tourism	331,556	150,770	45.47%
Executive Services	247,868	81,383	32.83%
Agencies	163,000	42,908	26.32%
Economic Development	206,553	-	0.00%
Risk Management	350,725	387,653	110.53%
Finance	272,821	73,114	26.80%
Capital Utilisation	7,289	45	0.62%
Information technology	339,428	84,384	24.86%
Creditors	48,863	14,146	28.95%
Revenue	283,551	97,005	34.21%
Payroll	53,238	13,713	25.76%
Indirect Labour Costs		- 203,674	
Total Expenditure	4,231,246	1,189,146	28.10%
Operating Result	2,655,311	3,522,153	132.65%
Community Services			
Income			
Community Services	44,190	9,571	21.66%
Youth Services	41,085	31,152	75.82%
Vacation Care	16,320	7,482	45.85%
Family Day Care	106,852	26,517	24.82%
Library Services	44,500	432	0.97%
Total Income	252,947	75,154	29.71%

Expenditure			
Community Services	239,957	44,307	18.46%
Youth Services	125,980	30,441	24.16%
Vacation Care	16,854	12,206	72.42%
After School Care	69,495	25,572	36.80%
Family Day Care	115,952	21,022	18.13%
Library Services	225,980	16,790	7.43%
Total Expenditure	794,218	150,338	18.93%
Operating Result	- 541,271	- 75,184	13.89%

Planning & Regulation

Income			
Planning/Building	120,950	25,373	20.98%
Environmental Health	2,100	73	3.48%
Animal Control/Regulatory	3,200	1,052	32.88%
Total Income	126,250	26,498	20.99%
Expenditure			
Pesticide Pit Remediation	10,000	-	0.00%
Environmental Health	4,700	477	10.15%
Noxious Plants	75,000	75,411	100.55%
Animal Control/Regulatory	128,526	18,614	14.48%
Manager Planning & Regulation	692,630	132,342	19.11%
Total Expenditure	910,856	226,844	24.90%
Operating Result	- 784,606	- 200,346	

Emergency Services

Income			
Fire Services	61,157	-	0.00%
Expenditure			
Fire Services	142,618	35,283	24.74%
SES	65,400	4,847	7.41%
Total Expenditure	208,018	40,130	19.29%
Operating Result	- 146,861	- 40,130	

Engineering Administration

Income			
Manager Engineering	73,000	4,787	6.56%
Public Halls	34,936	4,205	12.04%
Plant Operations	1,945,121	589,776	30.32%
Council Properties	380,625	33,182	8.72%
Council Reserves	33,400	25,517	76.40%
Total Income	2,467,082	657,467	26.65%

Expenditure			
Manager Engineering	1,052,280	184,053	17.49%
Private Works	29,400	14,961	50.89%
Plant Running Expenses	1,049,161	243,821	23.24%
Properties Maintenance	275,499	296,666	107.68%
Motor Vehicles/Plant/Equipment	370,000	27,971	7.56%
Total Expenditure	2,776,340	767,472	27.64%
Operating Result	- 309,258	- 110,005	

Roads & Bridges

Revenue			
Roads & Bridges	13,710,000	6,938,883	50.61%
Expenditure			
Urban Roads	802,520	228,601	28.49%
Rural Roads	1,400,208	452,143	32.29%
Regional Roads	594,783	874,606	147.05%
Gravel Pit Restoration	50,000	-	0.00%
State Highways	1,278,385	568,199	44.45%
Total Expenditure	4,125,896	2,123,549	51.47%
Operating Result	9,584,104	4,815,334	

Recreation & Community Assets

Revenue			
Natural Disaster Mitigation program	330,000	-	0.00%
Aerodromes	20,000	1,420	7.10%
Cemeteries	21,000	6,669	31.76%
Total Income	371,000	8,089	
Expenditure			
Recreation & Community Assets	1,489,955	413,804	27.77%
Depots Operations	239,617	103,126	43.04%
Total Expenditure	1,729,572	516,930	29.89%
Operating Result	- 1,358,572	- 508,841	

Domestic Waste Management

Revenue			
DWM	845,064	727,574	86.10%
Expenditure			
DWM	713,600	187,123	26.22%
Operating Result	131,464	540,451	

Water Supplies			
Revenue			
Walgett Water	760,000	540,072	71.06%
Lightning Ridge Water	466,763	450,581	96.53%
Collarenebri Water	225,843	169,406	75.01%
Rowena Water	5,504	5,504	100.00%
Carinda Water	15,785	15,785	100.00%
Cumborah Water	311	311	100.00%
Total Income	1,474,206	1,181,659	80.16%
Expenditure			
Walgett Water	503,291	121,485	24.14%
Lightning Ridge Water	249,458	76,795	30.78%
Collarenebri Water	246,013	48,045	19.53%
Rowena Water	21,681	6,965	32.12%
Carinda Water	30,610	3,987	13.03%
Village Water	16,000	138	0.86%
Total Expenditure	1,067,053	257,415	24.12%
Operating Result	407,153	924,244	
Sewerage Supplies			
Revenue			
Walgett Sewer	287,086	280,543	97.72%
Lightning Ridge Sewer	245,759	234,248	95.32%
Collarenebri Sewer	80,587	76,486	94.91%
Total Income	613,432	591,277	96.39%
Expenditure			
Walgett Sewer	322,182	60,080	18.65%
Lightning Ridge Sewer	195,679	25,006	12.78%
Collarenebri Sewer	49,287	15,632	31.72%
Total Expenditure	567,148	100,718	17.76%
Operating Result	46,284	490,559	
Net Result			
Total Income	26,807,695	14,917,900	55.65%
Total Expenditure	17,123,946	5,559,665	32.47%
Net Result	**$ 9,683,749**	**$ 9,358,235**	96.64%

Walgett Shire Council
Operating Statement
For the Period Ending 30th September 2007

Income	**Actual 2008 $'000**	**Budget 2008 $'000**	**Actual 2007 $'000**
General Rates & Levies	6,319,821	6,347,746	5,951,000
User Charges & Fees	265,902	2,087,932	4,309,000
Investment Revenues	232,755	462,190	809,000
Other Revenue	690,648	188,460	638,000
Grants & Subsidies - Operating	7,408,775	7,396,713	7,839,000
Grants & Subsidies - Capital		8,400,000	5,818,000
Profit from Disposal of Assets			133,000
Total Revenue	**14,917,900**	**24,883,041**	**25,497,000**
Expenditure			
Employee Costs	1,585,032	6,353,489	5,940,000
Materials & Contracts	3,454,640	4,281,015	8,318,000
Borrowing Costs	12,049	125,458	41,000
Depreciation	-	2,614,778	2,427,000
Other Expenses	507,943	1,824,552	2,137,000
Loss from Disposal of Assets			-
Total Expenditure	**5,559,665**	**15,199,292**	**18,863,000**
Net Operating Result For Year	**9,358,235**	**9,683,749**	**6,634,000**

Material variances are summarised as follows:

Members & Civic

- Operations are within budgetary constraints.

Executive

- With the General Manager's position becoming vacant in December additional recruitment expenditure of $25,000 will be anticipated for consultancy fees, advertising and other associated costs.

Corporate Services

- There has been no activity in Economic Development to date. $13,420.00 has been transferred from Economic Development to Expenditure – Recreation and Community Capital Projects – Saleyard Capital Projects for the construction of a selling ring at Walgett Saleyards.
- The total $18,000 mining compensation has been received.
- All general rates have been levied for 2007/2008.
- The first instalment of the Federal Assistance Grant has been received. The actual income to be received is $2,426,455 compared to the budgeted $2,356,000. The additional $70,455 will be reallocated within this report.
- Interest received is above original budget and is an on going trend.
- The first instalment of $106,510 has been paid to Lightning Ridge Pool.
- The first instalment has been paid to Lightning Ridge Visitor Information Centre. This also included the additional $35,000 for operational costs.

- The on going debt recovery has seen an increase in rates write off. These write offs will be applied against the Provision for Doubtful Debts.
- Risk Management has incurred higher expenses with Public liability premiums rising by $13,950. This is an industry trend and not reflective of Council's claims history.
- An amount of $38,000 has been paid for Emergency Risk Management Plan. $28,800 has been restricted in 2006/2007 for the cost of this plan however a budget adjustment of $38,000 is required for 2007/2008.

Community Services

- The expenditure for Vacation Care is higher than originally budgeted due the increase in vacation activities. The increase in activities and higher usage of this valuable service to the community requires additional staffing with an anticipated expense increase of $35,000.
- Higher youth participation has increased after school care costs. These higher levels of community service provisions are expected to increase expenditure by $28,000.
- A DOTARS Grant of $18,750 was received for capital expenditure at the Walgett Youth Centre.

Planning and Regulations

- Operating within budgetary constraints. The contribution to Castlereagh Macquarie County Council has been paid.
- With the HACC Centre now complete, Council's office will be relocating into this building. New furniture, computer, printer and telephone connection will be required at an estimated cost of $4,500.

Public Order and Safety

- Operating within budgetary constraints.
- Council has an obligation to contribute towards the New South Wales Fire Brigades for the safety of its community. The anticipated contribution for the 2007/2008 financial year is $32,000.

Engineering Administration

- All Council rates have been levied on Council owned property.
- All council owned property rates have been paid.
- Additional private works has increased private works income and expenditure.
- The rates and charges on Council owned properties have been levied in line within the authority system. An additional $15,000 has been levied.

Roads and Bridges

- The $5,600,000 for the Strategic Regional Program had been brought to account as at 1 July 2007. This grant funding was received on 27th June, 2007. As an audit requirement it was brought to account in the 2006/07 financial statements. The $5,600,000 is available for expending over the next three years on RR329 and RR333.
- The first instalment of the road funding block grant has been received. A total $1,537,545 will be received for 2007/2008 compared to the budget of $$1,470,000. The additional $67,545 will be reallocated at the December quarterly review when road expenditure and anticipated requirements will be reassessed.

Recreation & Community Assets

- The natural disaster mitigation grant budgeted at $330,000 has not been received.

Domestic Waste Management

- The full amount of Domestic Waste charges has been raised.
- Operations are within budgetary constraints.

Water Services

- The full amount of rates revenue has been raised this period.
- Operations are within budgetary constraints.

Sewer Services

- The full amount of rates revenue has been raised this period.
- Operations are within budgetary constraints.

Relevant Reference Documents:

Management Review 30th September 2007.
Walgett Shire Council Management Plan 2007/2008 – 2011/2012

Stakeholders:

Walgett Shire Council

Financial Implications:

Overall, the results of the monthly review indicate that the financial position of Council is satisfactory and continues to operate within budgetary constraints.

Recommended changes to be made to Council's budget are as follows:-

- Increase Expenditure - Executive - General Manager Recruitment by $25,000.
- Increase Expenditure - Risk Management - Public Liability by $14,000.
- Increase Expenditure - Community Services - Vacation Care - Lightning Ridge by $20,000.
- Increase Expenditure - Community Services - Vacation Care - Collarenebri by $15,000.
- Increase Expenditure - Contribution - New South Wales Fire Brigades by $32,000.
- Increase Revenue - General Purpose Financial Assistance Grant by $70,455.
- Increase Revenue - FAG Grant - Roads by $67,545.
- Increase Expenditure - Community Services - After School Care - Walgett by $20,000.
- Increase Expenditure - Community Services - After School Care - Collarenebri by $8,000.
- Increase Expenditure Recreation and Community Capital Projects -Saleyard Capital Projects by $13,420.
- Increase Expenditure Recreation and Community Capital Projects – Transfer to Assets by $13,420.
- Reduce Expenditure - Economic Development - Salaries and Wages by $13,420.
- Increase Expenditure - Risk Management - Consultancy Fees by $38,000.
- Increase Expenditure - Manager Planning & Regulation - Office Furniture Upgrade Capital Expense by $4,500.
- Increase Expenditure - Manager Planning & Regulation - Transfer to Assets by $4,500.
- Increase Council Assets - Other Assets by $15,000.
- Reduce Revenue - Roads & Bridges - Strategic Regional Program Grant by $5,600,000.

The overall budgeted surplus will reduce from $9,683,749 to $4,081,329.

Recommendations:

That Council note the Management Report for the period ending 30th September 2007 and adopts the changes as follows:-

1. **Increase Expenditure - Executive - General Manager Recruitment by $25,000 to $25,000.**
2. **Increase Expenditure - Risk Management - Public Liability by $14,000 to $186,000.**
3. **Increase Expenditure - Community Services - Vacation Care - Lightning Ridge by $20,000 to $25,618.**
4. **Increase Expenditure - Community Services - Vacation Care - Collarenebri by $15,000 to $20,618.**
5. **Increase Expenditure - Contribution - New South Wales Fire Brigades by $32,000 to $32,000.**
6. **Increase Revenue - General Purpose Financial Assistance Grant by $70,455 to $2,426,455.**
7. **Increase Revenue - FAG Grant - Roads by $67,545 to $1,537,545.**
8. **Increase Expenditure - Community Services - After School Care - Walgett by $20,000 to $45,944.**
9. **Increase Expenditure - Community Services - After School Care - Collarenebri by $8,000 to $25,156.**
10. **Increase Expenditure Recreation and Community Capital Projects - Saleyard Capital Projects by $13,420 to $13,420.**
11. **Increase Expenditure Recreation and Community Capital Projects - Transfer to Assets by $13,420 to $1,177,544.**
12. **Reduce Expenditure - Economic Development - Salaries and Wages by $13,420 to $71,134.**
13. **Increase Expenditure - Risk Management - Consultancy Fees by $38,000 to $38,000.**
14. **Increase Expenditure - Manager Planning & Regulation - Office Furniture Upgrade Capital Expense by $4,500 to $4,500.**
15. **Increase Expenditure - Manager Planning & Regulation - Transfer to Assets by $4,500 to $4,500.**
16. **Increase Council Assets - Other Assets by $15,000 to $165,000.**
17. **Reduce Revenue - Roads & Bridges - Strategic Regional Program Grant by $5,600,000 to $2,100,000.**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 21

Subject: Investment Report as at 30 September 2007

Author: Amy Taylor – Customer Service Officer Finance

File No: 180/02/01/00

Summary:

This report summarises the investments of Walgett Shire Council for the month of September 2007.

Comments (including issues and background):

The Investment summary as at 30 September 2007 is as follows:

							$	#REF!

INVESTMENTS - CONSOLIDATED

Council investments have been made in accordance with the Local Government Act 1993 No 30, the regulations and council's investment policy

Investment Institution	Type of Investment	Term (Days)	Rate %	Ref	Reset Date	Maturity Date		
IMB Ltd	Term Deposit	182	6.75	442/07		16-Oct-07	$	300,000.00
Local Govt Financial Services	Term Deposit	181	6.47	443/07		30-Oct-07	$	500,000.00
Bank of Qld	Term Deposit	182	6.55	444/07		13-Nov-07	$	500,000.00
Bankwest	Term Deposit	134	6.49	446/07		10-Oct-07	$	300,000.00
Bank of Qld	Term Deposit	168	6.50	447/07		20-Nov-07	$	250,000.00
Bankwest	Term Deposit	172	6.68	448/07		27-Nov-07	$	300,000.00
Citibank	Term Deposit	168	6.60	451/07		04-Dec-07	$	500,000.00
Citibank	Term Deposit	168	6.60	452/07		11-Dec-07	$	300,000.00
Savings & Loans Credit Union (FIIG Securities)	Term Deposit	168	6.70	453/08		18-Dec-07	$	500,000.00
IMB Ltd	Term Deposit	182	6.68	454/08		08-Jan-08	$	500,000.00
ACCU (FIIG Securities)	Term Deposit	182	6.76	455/08		15-Jan-08	$	500,000.00
Bankwest	Term Deposit	182	6.65	456/08		22-Jan-08	$	500,000.00
Comminvest (FIIG Securities)	Term Deposit	168	6.65	457/08		29-Jan-08	$	500,000.00
Bankwest	Term Deposit	168	6.91	458/08		05-Feb-08	$	300,000.00
Suncorp	Term Deposit	168	6.88	459/08		12-Feb-08	$	500,000.00
National	Term Deposit	168	6.75	460/08		19-Feb-08	$	300,000.00
National	Term Deposit	168	6.82	461/08		26-Feb-08	$	500,000.00
Citibank	Term Deposit	168	7.01	464/08		04-Mar-08	$	500,000.00
Savings & Loans Credit Union	Term Deposit	150	7.09	465/08		22-Feb-08	$	250,000.00
CBA	Term Deposit	91	7.50	462/08	19-Dec-07	16-Dec-10	$	500,000.00
Royal Bank Canada	Term Deposit	91	7.70	463/08	19-Dec-07	16-Mar-11	$	500,000.00
Grange Securities - Zircon Finance Limited	Floating Rate CDO	92	8.15		20-Dec-07	20-Sep-14	$	500,000.00
Grange Securities - Elders Rural Bank	Floating Rate Sub Debt	92	7.51		06-Dec-07	06-Mar-17	$	500,000.00
Grange Securities - Adelaide Bank	Floating Rate Note	92	7.24		28-Dec-07	28-Mar-12	$	500,000.00
Grange Securities - MAS6-7	Term Deposit	92	8.85		20-Dec-07	20-Jun-15	$	250,000.00
Grange Securities - Helium	Floating Rate CDO	92	8.17		24-Dec-07	23-Jun-14	$	200,000.00
Grange Securitis- Magnolia	Term Deposit	92	8.35		20-Dec-07	20-Mar-09	$	50,000.00
							$	**10,800,000.00**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 22

Subject: Report on Rates and Charges – 30 September 2007

Author: Kristy Maher – Acting Rates Clerk

File No: 180/09/00/00

REPORT ON RATES AND CHARGES - 30 September 2007

		Sep-07	Sep-06
Arrears as at 30 June		1,454,181.05	1,618,773.48
Legal Fees		72,111.66	8,731.00
Adjusted Levy		6,320,098.63	6,155,392.91
Interest		24,883.30	23,622.27
Payments		-3,150,983.41	-2,931,699.92
Adjustments		-193,765.59	-26,302.89
Discount		-57,132.84	-59,044.75
Total Outstanding	$	4,469,392.80	4,789,472.10

COMPARISON WITH 2006/2007

		Sep-07	Sep-06
Current		3,528,932.30	3,499,625.88
Arrears		649,530.33	933,241.65
Interest b/f from previous years		208,794.78	275,559.75
Current year interest		21,556.89	24,027.54
Legals		60,578.50	57,017.28
Total Outstanding	$	4,469,392.80	4,789,472.10

Total YTD Collected

	Sep-07	Sep-06
Collected YTD % of Arrears and Levy	41%	38%
Collected YTD % of Levy	50%	48%

Recommendation:

That the Report on Rates as at 30 September 2007 be received.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 23

Subject: Administrative Office **-** Christmas and New Year Closure

Author: Emma Darcy –Manager Corporate Services

File No: 295/03/00/00

Summary:

This report recommends that Council endorse the closure of the Administration Centre of Council from 4.30pm Friday 21 December 2007 until 9.00am on Wednesday 2 January 2008 over the Christmas and New Year period.

Comments (including issues and background):

The following policy in relation to Administrative Office closure was adopted on 21 September 2006:

> Administrative Offices Closure – Christmas and New Year
>
> That Council adopt a policy allowing the closure of the Council's administrative offices between the Christmas and New Year break. The closure is subject to the following conditions:
>
> 1. That Council close its administrative offices between Christmas and New Year.
>
> 2. That after hours numbers be provided to the general public for the purpose of emergency enquiries.
>
> 3. That the Council advertise during the month of December giving the public adequate notice of the said closures.

The following details the 2007/2008 Christmas/New Year period and the proposed leave structure for the indoor staff:

Monday	24 December	Annual Leave/RDO
Tuesday	25 December	Public Holiday
Wednesday	26 December	Public Holiday
Thursday	27 December	Annual Leave
Friday	28 December	Annual Leave/RDO
Monday	31 December	Annual Leave/RDO
Tuesday	1 January 2008	Public Holiday

The customer operations within the Administration office on Christmas Eve are historically very quiet. With some staff on a rostered day off it is operationally and financially beneficial to close the administration building on this day. New Years Eve is incorporated in the above policy. Management recognises that the proposed period of closure is longer than specified in the above policy but it is operationally more viable to encourage the staff a longer period of leave at a time when the office is accessed the least by the public.

Advertisement of the closure of the administration building will begin on 1 December 2007 to ensure that the public are given adequate notice of the closure dates. The after hours numbers will also be advertised and the phone system will be set up with a recording of emergency numbers.

Relevant Reference Documents:

- Council Policy CM 240/06

Stakeholders:

- Walgett Shire Council and Indoor Staff

Recommendation:

That Council endorse the closure of the administration building from 4.30pm on Friday 21 December 2006, and reopening at 9.00am Wednesday 2 January 2007 as per Council Policy (CM 240/06).

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 24

Subject: Call for Tender - Audit Services 2007/2008 – 2012/2013

Author: Emma Darcy –Manager Corporate Services

File No: 020/00/01/59

Summary:

This report advises Council that under section 422 of the Local Government Act 1993 council must appoint a person as its auditor. An advertisement for tender for auditing services has been placed in the Sydney Morning Herald and Western Magazine as well as advertised in the local papers.

Comments (including issues and background):

Spencer Steer Chartered Accountants have held office for a term of six (6) years. Council is required under Section 422 of the Local Government Act 1993, to appoint a person as its auditor. The auditor reports to Council on the General Purpose and Special Purpose Financial Reports of the Council prepared annually in accordance with the Act.

The auditor is also required to report to Council on various matters prescribed by the Local Government Code of Accounting Practice and Financial Reporting.

Council is required to call for tenders from suitably qualified persons or firms for the provision of audit services for the six (6) years ending 30 June 2013. Tenders will be received up to 2.00pm on Thursday 1 November and will be advertised in the Sydney Morning Herald, Western Magazine, The Ridge News and the Walgett Spectator.

Relevant Reference Documents:

Local Government Act 1993
Walgett Shire Council Purchasing Policy and Procedures
Tender Specifications for Auditing For the six (6) year period ending 30 June 2013

Stakeholders:

Walgett Shire Council

Financial Implications:

Cost to advertise estimated at approximately $2,000.

Recommendation:

That Council acknowledges that a call for tender for Auditing Services 2007/2008 – 2012/2013 has been advertised in the Sydney Morning Herald, Western Magazine, The Ridge News and the Walgett Spectator with the closing date being 2.00pm on Thursday 1 November 2007.

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 25

Subject: Areas excluded from opal mining and prospecting

Author: Matthew Goodwin, Manager Planning and Regulation

File No: 265/03/01/00

Summary:

The Lightning Ridge Mining Board has requested that Walgett Shire Council advise the Department of Primary Industries of the relevance of various areas excluded from opal mining and prospecting on the 'preserved' opal fields in the vicinity of Lightning Ridge. It is suggested that advice should be conveyed via a copy of this report, and the recommended resolution included within.

Comments (including issues and background):

The Manager Planning and Regulation attended a Lightning Ridge Mining Board meeting on Thursday 16 August 2007 as Walgett Shire Council's delegate. At that meeting the Lightning Ridge Miners Association representatives conveyed their desire that the opal mining industry should be allowed access to various areas excluded from opal mining and prospecting on the 'preserved' opal fields in the vicinity of Lightning Ridge.

The LRMA stated that it has no objection to Council's acquisition, for the purpose of urban expansion, of 25 Hectares of land in an area adjoining Fantasia and Lapkalle Streets.

The Chairman of the Lightning Ridge Mining Board requested that Council advise the Department of Primary Industries of the relevance to Council of the various policy reserves, statutory reserves and freehold lands on the 'preserved' opal fields in the vicinity of Lightning Ridge. Specifically whether there was an opportunity to make some or all of these available for opal prospecting and mining. The Director of the Geological Survey of NSW, Lindsay Gilligan, was nominated as the contact point for that advice.

The Lightning Ridge Miners Association (LRMA) has previously raised such issues with Walgett Shire Council in a number of ways, including:

- A letter dated 1 August 2005, in which the LRMA requested that Council agree to the revocation of two reserves that prevent opal mining and prospecting from occurring in areas near the town of Lightning Ridge. Those areas were the Crown land reserve located to the north and the Lightning Ridge Mining Board policy reserve to the south.

- A letter dated 27 March 2006, in which the LRMA requested that Walgett Shire Council agree allow access to the "policy reserve" area shown in Figure 1.

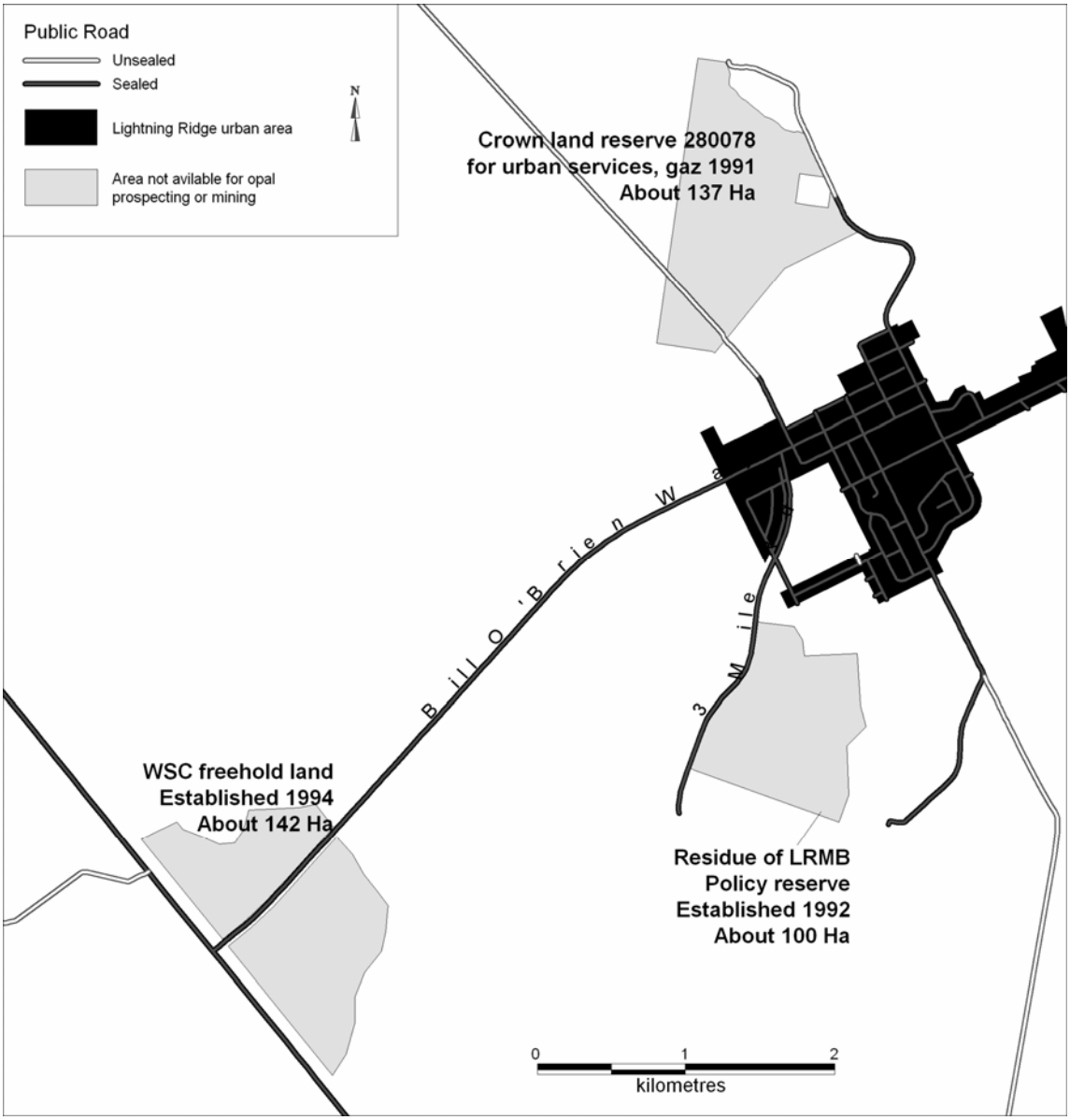

Figure 1 – Land at Lightning Ridge that is not available for opal prospecting or mining because it has been identified as being required r urban related development by Council.

Development potential:

A preliminary analysis of the development potential for each area was provided in a report tabled at the 15 December 2005 meeting of Walgett Shire Council. Most of the data below is derived from that analysis.

Table 1 – Overview of issues affecting development potential.

	RESIDUE OF POLICY RESERVE	WSC FREEHOLD LAND	STATUTORY RESERVE 280078
AREA	About 100 Ha	About 142 Ha	About 137 Ha
TITLE	Permissive Occupancy 1985/19 for opal mining administration	Freehold (76 lots). Note that Development Application 2007034 was approved 18 Sep 2007 for consolidation of 75 lots.	Crown reserve & Permissive Occupancy 1985/19 for opal mining administration
CURRENT LGA CLASSIFICATION	Land held under the Crown Lands Act 1989 therefore it does not have, or require, classification.	Operational	Land held under the Crown Lands Act 1989 therefore it does not have, or require, classification.
LOCATION	Adjoins urban area	> 3.5 km from urban area	> 0.8 km from urban area
WATER	100mm blue brute water main in adjoining area (Fantasia & Lapkalle Streets).	Nearest main about 3.5km away.	75mm poly water main to rubbish depot passes through area.
SEWER	100mm diameter PVC effluent line in adjoining area (Fantasia & Lapkalle Streets).	Nearest main about 3.5km away.	Main from Lightning Ridge urban area to effluent ponds passes through southern end.
ELECTRICITY	Three phase 22kva underground line in adjoining area (Fantasia & Lapkalle Streets).	Three phase 22kva overhead line runs parallel to Castlereagh highway.	Single phase 22kva overhead line passes through area.
PUBLIC ROADS	1.5 km sealed road frontage to the Three Mile Road. Also sealed street access via Fantasia and Lapkalle Streets.	1.0 km sealed road frontage to the Bill O'Brien Way.	0.3 km sealed road and 1.1 km gravel road frontage to the Wooloroo Road. 0.6 km gravel road frontage to Lightning Ridge town bore road.
FLOODING	No flood risk. Stormwater drainage is an issue due to significant drainage line passing through area.	About 50% of area appears to be flood prone.	About 67% of area appears to be flood prone.
BUSHFIRE	About 30% mapped as bush fire prone by RFS.	About 60% of the land mapped as bush fire prone by the Rural Fire Service.	About 20% mapped as bush fire prone by RFS.
MINING INSTABILITY	Scattered mine shafts suggest localised relatively low intensity mining activity. Some risk of mine working subsidence and backfilled mine shaft settling.	Negligible evidence of mining disturbance.	One area of localised mining activity.
MINING TAILINGS	Includes four MPL sites. About 10 Ha is affected by water storage dams, rehabilitated silt dams, etc.	Lot 76 includes several MPL sites. About 10 Ha is affected by water storage dams, rehabilitated silt dams, etc.	Includes two MPL sites. About 9 Ha is affected by water storage dams, rehabilitated silt dams, etc.
MINING TITLES (estimate only)	Mining Lease or Mining Purposes Leases – 4 Mineral Claims – 27	Mining Lease or Mining Purposes Leases – 1 Mineral Claims – 1?	Mining Lease or Mining Purposes Leases – 0 Mineral Claims – 6?
OPAL STERILISATION	All of the land is potentially opal bearing, although previous prospecting and mining activity has been quite limited.	Fringes of ridge country potentially opal bearing (up to about 50% of area).	Fringes of ridge country potentially opal bearing (up to about 34% of area).
CONTAMINATION	None known at this stage.	None known at this stage.	None known at this stage.

	RESIDUE OF POLICY RESERVE	WSC FREEHOLD LAND	STATUTORY RESERVE 280078
HERITAGE	None known at this stage.	None known at this stage.	Edge of an intermittent wetland where there is some potential for items of aboriginal heritage to be found.
OTHER ISSUES	Southern part adjoins the Lightning Ridge aerodrome.	None known at this stage.	Lightning Ridge gun club occupies northern part of the land.

Within Table 2, each of the areas is ranked on issues that could affect the suitability of the site for development. A scale from 5, which indicates minimal impediment, through to 0, which equals substantial impediment, has been used. A total 'score' is also provided to provide a preliminary indication of the likely relative suitability of each site for urban development.

Table 2 – Preliminary assessment of relative suitability of land for development.

	RESIDUE OF POLICY RESERVE	FREEHOLD	STATUTORY RESERVE 280078
TITLE	3	5	3
WATER	5	0	1
SEWER	5	0	4
ELECTRICITY	5	5	2
ROAD	5	5	2
FLOODING	5	2	3
BUSHFIRE	4	2	2
MINING INSTABILITY	4	5	5
MINING TAILINGS	2	2	2
MINING TITLES	2	4	3
OPAL STERILISATION	1	2.5	3
CONTAMINATION	5	5	5
HERITAGE	5	5	3
OTHER	5	2	1
TOTAL	**56**	**44.5**	**39**

Each site has a number of positive and negative aspects for development in general as detailed in Table 2. However the relative significance of those aspects will vary depending on the specific development that is actually proposed for a given site. For example:

1. The **policy reserve** appears to be most suited for residential and industrial development given its proximity to utilities, adjoining existing residential and industrial lands and the relatively low impediment imposed by flooding or bushfire. More detail is contained within the Walgett Shire Growth Management Study and Draft Strategy, document dated July 2007, especially pages 149 to 154.

   It is not suitable for utility related uses such as rubbish depots or effluent ponds given its proximity to residences and the likely extra cost of developing excavations in silicified cap rock on elevated ridges.

2. **Reserve 280078** would probably best be used for utility related purposes, such as future rubbish depots or effluent ponds, given its relatively distant location from most residences, ease of excavation and the potential for adequate access (if improved).

   It is of minimal value for residential or industrial use due to the lack of services and its distance from Lightning Ridge.

3. Key features of the **freehold land** are its proximity to sealed roads, its moderate distance from the Lightning Ridge urban area and the surface water available from existing dams and the local catchment. The land is potentially suitable for commercial developments that are best located away from urban areas such as grain storage, gravel processing or bulk goods/livestock transportation.

   As it is relatively remote and poorly serviced, it has the lowest potential value for residential, industrial or utility type purposes. It would also be poor planning practice to encourage satellite residential or industrial development away from the Lightning Ridge urban area.

In the above context it is appropriate to note two key Council resolutions made in association with this matter, as reproduced below.

Walgett Shire Council resolution at the 15 December 2005 meeting.

340/05–Reserves and Freehold Land at Lightning Ridge

RESOLUTION:-

It was resolved on the Motion of the Administrator that Council:-

(1) Designate the policy reserve area between the Three Mile Road, Fantasia St, Lapkalle St and the Lightning Ridge aerodrome (part of Lot 1794 DP 767406) as its preferred location for urban expansion of Lightning Ridge, both for residential and industrial uses.

(2) Designate Crown Reserve 280078 (part of Lot 4138 DP 766643) as its preferred location for future urban utility related development at Lightning Ridge such as rubbish depots or effluent ponds.

(3) Designate the freehold lands held by Walgett Shire Council near the intersection of the Castlereagh Highway and the Bill O'Brien Way as its preferred location for commercial developments such as grain storage, gravel processing or bulk goods/livestock transportation.

(4) Write to Edge Land Planning, the company engaged by Walgett Shire Council to prepare a rural and urban land use strategy and Local Environmental Plan, advising that Council has made the above designations and requests that they be given appropriate consideration in the course of development of the strategy and Local Environmental Plan.

(5) Write to the Lightning Ridge Miners Association and inform it of the above designations.

Carried.

Walgett Shire Council resolution at the 22 June 2006 meeting.

143/06 – Land Reserved from Mining, Lightning Ridge

RESOLUTION:

It was resolved on the Motion of the Administrator that Council resolve to note the letter sent to the Lightning Ridge Miners Association on 8 May 2006 regarding the policy reserve area between the Three Mile Road, Fantasia St, Lapkalle St and the Lightning Ridge aerodrome (part of Lot 1794 DP 767406) and invite the Association to participate in the public consultation when it commences.

Carried.

Future needs:

Apart from the development potential information provided above, Council must also consider the future needs of Lightning Ridge as a town. Such consideration is required to properly address the request by the Lightning Ridge Mining Board.

Table 3 shows the numbers of developed lots within the Lightning Ridge urban area over a 45 year period, as determined from aerial photographs. Although there is significant variability in the rate of urban development, it is quite apparent that there is an ongoing growth trend.

Table 3 – Development in the Lightning Ridge urban area.

	1959	1970	1978	1992	2004	TOTAL
URBAN LOTS WITH BUILDINGS	68	167	430	653	745	
AVERAGE LOT DEVELOPMENT	N/A	99 in 11 years 9/year	263 in 8 years 33/year	223 in 14 years 16/year	92 in 12 years 8/year	677 in 45 years 15/year

Based on the data within Table 3 it appears likely that there is a probable minimum annual demand for 10 lots, and a probable maximum of about 30. In the absence of any reliable data to the contrary, it would be prudent for Council to make decisions based on the expectation that the growth trend will probably continue.

Council is in the process of acquiring about 25 hectares of land in the vicinity of Fantasia and Lapkalle Streets for urban expansion. Issues arising from that acquisition include:

- In the Lightning Ridge urban area, about 127 hectares of land is currently held under a freehold or Crown Land title (out of a total urban area of about 185 hectares). The remaining 58 hectares (31%) consists of public road corridors and unoccupied Crown land. It appears likely that any future urban expansion would probably produce a similar yield of usable land (69%).
- Assuming each lot has an area of 1,000 square metres, the probable minimum demand will be about 1 hectare (10 X 1,000m^2) of usable land per annum, while the probably maximum demand will be 3 hectares (30 X 1,000m^2).
- Assuming there is a 69% yield of usable land from the 25 hectares, this would make about 17.25 hectares (172 lots) of land available.
- In the probable **minimum** demand scenario, 17.25 hectares will provide about 17 years supply of land.
- In the probable **maximum** demand scenario, 17.25 hectares will provide about 6 years supply of land.

Council has identified the policy reserve area as its preferred location for urban expansion. After the 25 hectares of land in the vicinity of Fantasia and Lapkalle Streets is acquired, there will be about 100 hectares of the policy reserve area remaining. Issue that need to be considered in relation to this land include:

- Assuming there is a 69% yield of usable land from the 100 hectares, this would make about 69 hectares (690 lots) of land available.
- In a probable **minimum** demand scenario (10 lots/year), 69 hectares will provide about 69 years supply of land.
- In a probable **maximum** demand scenario (30 lots/year) 69 hectares will provide about 23 years supply of land.

Opportunity for opal prospecting and mining:

In the above context, the following comments are offered with regard to the request of the Lightning Ridge Mining Board for Council to provide advice on whether there was an opportunity to make some or all of these areas available for opal prospecting and mining:

- The LRMA has stated repeatedly that it wants access for opal prospectors and miners to all of the areas, especially the 100 hectare residue of the policy reserve.
- It appears likely that the 25 hectare acquisition area will provide for somewhere between 6 and 17 years of urban development. There is a clear obligation for Council to plan for future urban expansion, but the options are quite limited given most of the potential land located in reasonable proximity to Lightning Ridge is either flood prone or has been extensively mined.
- It has to be accepted that any area which is subject to opal prospecting will also be subject to mining activity if significant mineralisation is found.
- Although the prospects of finding extensive deposits of opal within a given area are quite low, significant mining activity would invariably compromise the viability of the land for many forms of intensive urban development.
- The Administrator of Walgett Shire Council has indicated to the LRMA that he would consider any proposal for progressive access to parts of the 100 hectare residual area. In this way there is no risk that the urban development potential of all of the land could be compromised.
- Even though the LRMA has maintained its request for access to the whole residual area, it appears appropriate for Council to maintain a position that does not risk all of the area being compromised.
- A similar situation applies to the statutory reserve and freehold land.

Relevant Reference Documents:

- Walgett Shire Council closed file 145-09-02.1 - Permissive Occupancy 1985/19.
- Walgett Shire Council file 265-03-01-00 - Economic development, planning, claims, opal mining quarrying.
- Walgett Shire Growth Management Study and Draft Strategy, document dated July 2007.

Stakeholders:

Lightning Ridge Miners Association, Walgett Shire Council, Department of Primary Industries, community.

Financial Implications:

Nil.

Recommendations:

That Walgett Shire Council resolve to:

1. **Write to the Department of Primary Industries and the Lightning Ridge Miners Association and state that it is willing to agree to allowing up to 25% of the 100 hectare residue of the policy reserve located between the aerodrome and Fantasia Street, Lightning Ridge to be used for opal prospecting and mining at a given time.**

   Furthermore, it is prepared to agree to staged access, to 25% at a time, of the area when the Lightning Ridge Miners Association indicates that its members have no further desire to prospect the 25% area that is available at a given time (subject to written agreement from Walgett Shire Council, who will not withhold such agreement unless it believes there is a pressing demand for land for urban development and/or land has been significantly compromised by recent mining activity).

2. **Write to the Department of Primary Industries and the Lightning Ridge Miners Association and state that it is willing to agree to allowing up to 50% of statutory reserve 280078 and Walgett Shire Council's freehold land located near the intersection of the Castlereagh Highway and Bill O'Brien Way, Lightning Ridge to be used for opal prospecting and mining at a given time.**

   Furthermore, it is prepared to agree to staged access, to 50% at a time, the area when the Lightning Ridge Miners Association indicates that its members have no further desire to prospect the 50% area that is available at a given time (subject to written agreement from Walgett Shire Council, who will not withhold such agreement unless it believes there is a pressing demand for land for urban development and/or land has been significantly compromised by recent mining activity).

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 26

Subject: Development and Complying Development Certificate Applications

Author: Matthew Goodwin, Manager Planning and Regulation

File No: 315/01/00/00

Summary:

This report provides a summary of the Development and Complying Development Certificate applications recently dealt with under delegated authority.

Comments (including issues and background):

The table following this report provides details of Development Applications (DA) and Complying Development Certificate (CDC) applications dealt with under delegated authority by the Manager Planning and Regulation and General Manager during September 2007.

Relevant Reference Documents:

- Respective Development Application and Complying Development Certificate files.

Stakeholders:

Public and applicants.

Financial Implications:

Nil.

Recommendation:

That Walgett Shire Council resolve to note the Development and Complying Development Certificate applications dealt with under delegated authority by the Manager Planning and Regulation and General Manager during September 2007.

AUTHORITY

Determined Applications

CIVICA

10/08/2007 Parameters: Date Range:Y Start Date:1/09/2007 End Date:30/09/200 As At Date: Document Type: 2 Officer:ALL Number of Days:0 Stop The Clock:Yes Page:1

Document	Applicant Name / Address	Development Type / Property Address / Title Owner	Determination	Determined	Received
Document Type: 20					
	Stop the Clock	*Total Elapsed Calendar Days: 48* *Calendar Stop Days: 5* *Adjusted Calendar Days: 43*			
020/2007/00000033/001		140 Class 10a - Garage/Carport/Shed/Verandah	Approved - Staff Delegation	10/09/2007	25/07/2007
	Stop the Clock	*Total Elapsed Calendar Days: 57* *Calendar Stop Days: 0* *Adjusted Calendar Days: 57*			
020/2007/00000034/001		160 Subdivision/Consolidation Bill O'Brien WAY LIGHTNING RIDGE LOT: 1 DP: 838673 *There are Multiple Parcels on this application*	Approved by Council	18/09/2007	24/07/2007
	Stop the Clock	*Total Elapsed Calendar Days: 37* *Calendar Stop Days: 0* *Adjusted Calendar Days: 37*			
020/2007/00000035/001		70 Class 6 - Shop LOT: 1 DP: 333964 *There are Multiple Parcels on this application*	Approved - Staff Delegation	11/09/2007	06/08/2007
	Stop the Clock	*Total Elapsed Calendar Days: 37* *Calendar Stop Days: 0* *Adjusted Calendar Days: 37*			

AUTHORITY

AUTHORITY

Determined Applications

CIVICA

10/08/2007 Parameters: Date Range:Y Start Date:1/09/2007 End Date:30/09/200 As At Date: Document Type: 2 Officer:ALL Number of Days:0 Stop The Clock:Yes Page:2

Document	Applicant Name / Address	Development Type / Property Address / Title Owner	Determination	Determined	Received
Document Type: 20					
020/2007/00000036/001		140 Class 10a - Garage/Carport/Shed/Verandah Pandora ST LIGHTNING RIDGE LOT: 3 DP: 1100315 CNL: 230083	Approved by Council	18/09/2007	13/08/2007
	Stop the Clock	*Total Elapsed Calendar Days: 16* *Calendar Stop Days: 0* *Adjusted Calendar Days: 16*			
020/2007/00000037/001		170 Change of Use 38 Morilla ST LIGHTNING RIDGE LOT: 1 SEC: 14 DP: 758612 *There are Multiple Parcels on this application*	Approved - Staff Delegation	06/09/2007	22/08/2007
	Stop the Clock	*Total Elapsed Calendar Days: 17* *Calendar Stop Days: 0* *Adjusted Calendar Days: 17*			
020/2007/00000040/001		140 Class 10a - Garage/Carport/Shed/Verandah Windlass AV LIGHTNING RIDGE LOT: 79 DP: 820469	Approved - Staff Delegation	14/09/2007	29/08/2007
	Stop the Clock	*Total Elapsed Calendar Days: 24* *Calendar Stop Days: 0* *Adjusted Calendar Days: 24*			
020/2007/00000042/001		120 Class 9b - Assembly Building 53 Wee Waa ST WALGETT LOT: 15 SEC: 15 DP: 759036	Approved - Staff Delegation	26/09/2007	03/09/2007

AUTHORITY

AUTHORITY

Determined Applications

CIVICA

10/08/2007 Parameters: Date Range:Y Start Date:1/09/2007 End Date:30/09/200 As At Date: Document Type: 2 Officer:ALL Number of Days:0 Stop The Clock:Yes Page:3

Document	Applicant Name / Address	Development Type / Property Address / Title Owner	Determination	Determined	Received
Document Type: 20					
	Stop the Clock	*Total Elapsed Calendar Days: 21* *Calendar Stop Days: 5* *Adjusted Calendar Days: 16*			
020/2007/00000043/001		140 Class 10a - Garage/Carport/Shed/Verandah Nobby RD LIGHTNING RIDGE LOT: 1 DP: 827710	Approved - Staff Delegation	26/09/2007	06/09/2007
Officer: Ms J R Babic Number of Applications: 8		*Average Elapsed Calendar Days: 30.88* *Average Calendar Stop Days: 1.25* *Average Adjusted Calendar Days: 30.88*	*Total Elapsed Calendar Days: 257.00* *Total Calendar Stop Days: 10.00* *Total Adjusted Calendar Days: 247.00*		
	Stop the Clock	*Total Elapsed Calendar Days: 6* *Calendar Stop Days: 0* *Adjusted Calendar Days: 6*			
020/2007/00000041/001		120 Class 9b - Assembly Building Montkeila ST WALGETT LOT: 31 DP: 750313	Approved - Staff Delegation	04/09/2007	30/08/2007
Officer: Mr L J Smyth Number of Applications: 1		*Average Elapsed Calendar Days: 6.00* *Average Calendar Stop Days: 0.00* *Average Adjusted Calendar Days: 6.00*	*Total Elapsed Calendar Days: 6.00* *Total Calendar Stop Days: 0.00* *Total Adjusted Calendar Days: 6.00*		

AUTHORITY

AUTHORITY

Determined Applications

CIVICA

10/08/2007 Parameters: Date Range:Y Start Date:1/09/2007 End Date:30/09/200 As At Date: Document Type: 2 Officer:ALL Number of Days:0 Stop The Clock:Yes Page:4

Document	Applicant Name / Address	Development Type / Property Address / Title Owner	Determination	Determined	Received
Document Type: 24					
	Stop the Clock	*Total Elapsed Calendar Days: 2* *Calendar Stop Days: 0* *Adjusted Calendar Days: 2*			
024/2007/00000021/001		10 Class 1a -Single Dwelling/Dual Occupancy 85 Dewhurst ST WALGETT LOT: 7 SEC: 39 DP: 759036	Approved - Staff Delegation	14/09/2007	13/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 5* *Calendar Stop Days: 0* *Adjusted Calendar Days: 5*			
024/2007/00000022/001		10 Class 1a -Single Dwelling/Dual Occupancy 71 Neilly ST WALGETT LOT: 14 SEC: 10 DP: 759036	Approved - Staff Delegation	17/09/2007	13/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 5* *Calendar Stop Days: 0* *Adjusted Calendar Days: 5*			
024/2007/00000023/001		10 Class 1a -Single Dwelling/Dual Occupancy 108 Wee Waa ST WALGETT LOT: 12 SEC: 10 DP: 759036	Approved - Staff Delegation	17/09/2007	13/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 5* *Calendar Stop Days: 0* *Adjusted Calendar Days: 5*			

AUTHORITY

AUTHORITY

Determined Applications

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10/08/2007 Parameters: Date Range:Y Start Date:1/09/2007 End Date:30/09/200 As At Date: Document Type: 2 Officer:ALL Number of Days:0 Stop The Clock:Yes Page:5

Document	Applicant Name / Address	Development Type Property Address Title Owner	Determination	Determined	Received
Document Type: 24					
024/2007/00000024/001		10 Class 1a -Single Dwelling/Dual Occupancy 108 Wee Waa ST WALGETT LOT: 24 DP: 230292	Approved - Staff Delegation	17/09/2007	13/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 5* *Calendar Stop Days: 0* *Adjusted Calendar Days: 5*			
024/2007/00000025/001		10 Class 1a -Single Dwelling/Dual Occupancy 44 Keepit ST WALGETT LOT: 35 DP: 230851	Approved - Staff Delegation	17/09/2007	13/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 3* *Calendar Stop Days: 0* *Adjusted Calendar Days: 3*			
024/2007/00000026/001		60 Class 5 - Office Building 46 Morilla ST LIGHTNING RIDGE LOT: 5 SEC: 14 DP: 758612 IP: 399719	Approved - Staff Delegation	26/09/2007	24/09/2007
	Stop the Clock	*Total Elapsed Calendar Days: 2* *Calendar Stop Days: 0* *Adjusted Calendar Days: 2*			
024/2007/00000027/001		10 Class 1a -Single Dwelling/Dual Occupancy 77 Arthur ST WALGETT LOT: 4 SEC: 30 DP: 759036	Approved - Staff Delegation	26/09/2007	25/09/2007

AUTHORITY

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 27

Subject: Achieving Sustainable Groundwater Entitlements Program Payment Offer

Author: Ian Taylor – Acting Manager Engineering

File No: 275/01/03/00, 140/00/00/00

Summary:

This report recommends that Council accept the payment offer from the NSW Department of Water and Energy under the Achieving Sustainable Groundwater Entitlements Program.

Comments (including issues and background):

The NSW Department of Water and Energy (DWE) has offered Council a payment under the Achieving Sustainable Groundwater Entitlements Program (ASGE). This relates to the adjustment of allocations in the Lower Namoi groundwater source to ensure the long term sustainability of this aquifer and to provide certainty for licensees.

The relevant approved works is the bore located at the Burren Junction Swimming Pool. It currently has a 2 ML share for 2007/2008 which is considered adequate.

The offer is to be accepted by way of a Deed of Indemnity and Release. This inter alia has the effect of Council releasing and discharging the State of NSW from any other liabilities to Council arising out of The Water Sharing Plan for the Upper and Lower Namoi groundwater Sources 2003, the ASGE, and any change in entitlement or Licence as a result of the above.

Advice from Namoi Water suggests that DWE has committed to issue an amending Deed to confirm that Licensee's future rights to compensation for non ASGE matters is unaffected by the original Deed.

It is recommended that both Deeds are signed or alternatively that neither are signed. Given the minor financial risk associated with the Deed, it is also suggested that specific legal advice not be sought.

Relevant Reference Documents:

Draft Deed of Indemnity and Release Upper and Lower Namoi Groundwater Sources (not attached)
Letter from Namoi Water 2 October 2007 (not attached)

Stakeholders:

Walgett Shire Council
Users of the Burren Junction Swimming Pool
Department of Water and Energy

Financial Implications:

The amount of the payment offer is $1,170 excluding GST. There may be a Capital Gains Tax implication associated with this payment.

Recommendation:

That following receipt of the Deed confirming Council's future rights to compensation for non Achieving Sustainable Groundwater Entitlements Program matters from NSW Department of Water and Energy, and subject to the General Manager being satisfied that this Deed and the Deed of Indemnity and Release Upper and Lower Namoi Groundwater Sources together do not expose Council to an unacceptable financial risk, approval is granted for both Deeds to be executed by the Administrator and General Manager and Council's seal to be affixed to each.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 28

Subject: Carinda Waste Transfer Station

Author: Ian Taylor – Acting Manager Engineering

File No: 185/02/11/00

Summary:

This report recommends that Council delay proceeding with developing a waste transfer station at Carinda until Council has completed an Asset Management Plan for Solid Waste Services in Walgett Shire.

Comments (including issues and background):

In 2006-07 Council proposed to replace the Carinda Village Landfill with a transfer type facility. Preliminary investigations were completed, however no physical works were commenced. Funding for the transfer facility and a suitable vehicle and/or contractor to service the facility are not available in the current year's budget.

Following the above investigations, Council Officers have more widely reviewed Council's waste practices taking into account the changes in relation to the proposed new Lightning Ridge Landfill.

Collection strategies have subsequently been refined to improve the cost-effectiveness of the service and to allow one of Council's waste collection vehicles to be retired, preferably before major overhaul is required on its drive-train.

A number of factors will affect the continued decision making process with respect to waste management services provided by Walgett Shire including but not limited to:

1. Statutory reporting and risk management is extremely difficult to maintain with unsupervised landfill, such as Council's facilities at Carinda, Come By Chance, Burren Junction, Rowena, and Collarenebri;
2. Council's rear-loading waste truck should be able to be replaced with a safer and more versatile front-loading vehicle;
3. Very few waste service providers offer disposal of waste at landfill free of charge (i.e. no gate fee on the landfill, and/or free access to large bins for general waste) as this provided no incentive for waste minimisation; and
4. Diseconomies of scale and transport costs associated with recycling many products.

It is considered that waste management services in Walgett Shire have suffered from a lack of systematic planning and management over the preceding decade. This has not provided Council with a robust basis for current and future decision making. It is therefore inadvisable to make further strategic decisions without documentation of the necessary information and a sound business case for the provision of these services.

Relevant Reference Documents:

CM 359/06
Netwaste Western Subregional Waste Management Plan

Stakeholders:

Walgett Shire Council
Residents and Businesses within and surrounding Carinda Village

Financial Implications:

Council currently does not have funding allocated for the development of a Waste Transfer station at Carinda nor to service such a facility.

Recommendations:

That:

1. **Council not proceed to develop a waste transfer station at Carinda until Council has adopted an Asset Management Plan for Solid Waste Services in Walgett Shire; and**

2. **The Manager Engineering prepare a report detailing a program for completing a draft Asset Management Plan for Solid Waste Services in Walgett Shire by Council's December 2007 ordinary meeting.**

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 29

Subject: Engineering Consultants

Author: Ian Taylor – Acting Manager Engineering

File No: 012/76/19/56

Summary:

This report recommends that Council endorse the reallocation of expenditure from Engineering Staff Salaries to Engineering Contract Consultancy Fees to improve the available resources to the Engineering Department in the current financial year.

Comments (including issues and background):

Council allowed $76,199 in Engineering Staff Salaries for the engagement of an additional professional engineer that is yet to be added to Council's staff structure. Similar councils and other engineering firms, including those based in Capital cities are having significant difficulty recruiting such professionals (of all experience levels) even with attractive salary packages. This difficulty will be magnified greatly where it is expected that a candidate will be required to relocate outside the capital cites and regional centres.

If Council were to experience such difficulty this will adversely impact upon its ability to complete the already optimistic works program. Therefore it is recommended that this funding be made available for the commissioning of engineering consultants with the appropriate expertise and experience on an as-required basis.

There are a number of engineering consultants based in regional centres surrounding Walgett Shire and more specialised firms can be found in the capital cites. Council will be able to obtain the services of these firms to suit its current workload and in a timelier manner, not withstanding our smaller size when compared to some of these firms' larger clients.

Relevant Reference Documents:

2007/2008-2011/2012 Management Plan

Stakeholders:

Walgett Shire Council
Council Engineering Staff

Financial Implications:

Nil impact as the costs associated with engaging consultants are equivalent to recruiting staff engineers when all overheads including professional indemnity insurance are taken into account.

Recommendation:

That Council reallocate $76,000 from 11.2206.1210 Engineering Staff Salaries to 11.2206.1501 Engineering Contract Consultancy Fees to allow for the commissioning of engineering consultants to provide professional services for engineering works.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 30

Subject: Natural Disaster Mitigation Program – Walgett Levee Approval

Author: Ian Taylor – Acting Manager Engineering

File No: 175/03/02/00

Summary:

This report recommends that Council accept the offer of funding for the Walgett Levee rehabilitation works under the Natural Disaster Mitigation Program (NDMP).

Comments (including issues and background):

The Commonwealth Minister for Local Government, Territories and Roads has advised Council that its application for funding under the 2007-08 round of the NDMP for the Walgett Levee rehabilitation works has been approved. Council is also advised that their application for exemption from contributing full funding towards the levee rehabilitation project has been accepted on the basis of exceptional circumstances.

The rehabilitation of the Walgett Levee is a critical piece of Council's flood mitigation infrastructure that is anticipated to cost in excess of $7M to improve it to meet current recognised standards.

Relevant Reference Documents:

Letter of advice, The Hon. Jim Lloyd MP
Email, Project Officer, Mitigation and Risk Management, NSW State Emergency Management Committee

Stakeholders:

Walgett Shire Council
Residents and Businesses within or serviced by Walgett Township
Department of Transport and Regional Services
NSW State Emergency Management Committee

Financial Implications:

The amount of the funding offer is $225,000. The exemption means that Council does not have to match this funding in any way from its own resources.

Recommendation:

That approval is granted for the contractual documents associated with the 2007-08 round of funding of the Natural Disaster Mitigation Program to be executed by the General Manger and Administrator and Council's seal to be affixed to each.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 31

Subject: Supply of Pavement Stabilisation Services

Author: Ian Taylor – Acting Manager Engineering

File No: 230/01/00/00

Summary:

This report recommends that Council abort the calling of tenders for pavement stabilisation services.

Comments (including issues and background):

At its meeting of 19 June 2007, Council resolved to call tenders for the engagement of specialised road pavement stabilisation contractors. Changes to the pavement design, resulting in reduced need for stabilisation have made this requirement redundant. Therefore it is recommended that Council resolve not to proceed with the calling of tenders at this time.

Relevant Reference Documents:

CM 159/07

Stakeholders:

Walgett Shire Council

Financial Implications:

Nil impact.

Recommendation:

That Resolution 159/07 – Supply of Pavement Stabilisation Services, *(As reprinted below)* resolved at the Council Meeting held on 19 June 2007 be rescinded.

159/07 – Supply of Pavement Stabilisation Services

RESOLUTION: -

It was resolved on the Motion of the Administrator that Council, having regard to the specialised service required and the need to attract offers from suitably experienced operators, invite tenders from NSW based contractors who are members of the Australian Stabilisation Industry Association, in addition to the company Roadbusters Pavement Recycling and Stabilisation, for the supply of pavement stabilisation services in Walgett Shire for the period 1 July 2007 to 30 June 2008 in lieu of newspaper advertising.

Carried.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 32

Subject: Staff Housing – 24 Euroka Street Walgett

Author: Ian Taylor – Acting Manager Engineering

File No: 145/09/03/00

Summary:

This report recommends that Council call public tenders for the construction of a new three bedroom dwelling at 24 Euroka Street Walgett.

Comments (including issues and background):

At its meeting of 21 August 2007, Council resolved to use the provisions of Section 166(c) of the Local Government (General) Regulation 2005 when inviting tenders for the construction of a new three bedroom dwelling at 24 Euroka Street Walgett. Council has not previously prepared or adopted a list of recognised contractors for this kind of work as required in accordance with Section 169 of the Regulation.

Council has since placed some advertising to attract recognised contractors to be placed on such a list, however it did not meet the requirements and the response was insufficient to form a viable list.

It is recommended that Council elect to call public tenders in accordance with Section 166(a) of the Local Government (General) Regulation 2005 for the works and assess the suitability of the contractors as part of the tender selection process. This will neither require a greater extent of advertising, nor will it require a longer tender period than that required by using Section 166(c) of the Regulation.

Relevant Reference Documents:

CM 260/07

Stakeholders:

Walgett Shire Council

Financial Implications:

Nil impact.

Recommendation:

That Council elect to call public tenders in accordance with Section 166(a) of the Local Government (General) Regulation 2005 for the construction of a new three bedroom dwelling at 24 Euroka Street Walgett.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 33

Subject: Tree Replacement Program

Author: Ian Taylor – Acting Manager Engineering

File No: 011/07/01/48

Summary:

This report advises Council of progress regarding the Tree Replacement Program.

Comments (including issues and background):

Council has provided $20,000 in its 2007-08 Budget for Tree Replacement Program on Urban Roads.

At this stage ten trees have been identified by Council Officers for replacement, with approximately a further ten to be identified later in the financial year.

The trees proposed to be removed are located adjacent to Gray Park along Pitt Street in Walgett and comprise the majority of the outer row (furthest from the road) of a twin stand of Athol Pine trees. These trees have proven to be problematic and are in poor condition.

Following removal, the above trees will be replaced with a suitable alternative recommended by a horticulturalist.

Timing of the work will be subject to weather and the availability of professional tree removal contractors undertaking other work in the area.

Relevant Reference Documents:

2007/2008-2011/2012 Management Plan

Stakeholders:

Walgett Shire Council
Users of Gray Park Walgett

Financial Implications:

Council has provided $20,000 in its 2007-08 Budget for Tree Replacement Program on Urban Roads. Approximately half of these funds will be used in completing these works.

Recommendation:

That Council note progress of its Tree Replacement Program.

COMMITTEE MINUTES TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 34

Subject: Walgett Shire Consultative Committee Minutes - 1 August 2007

Author: Consultative Committee

File No: 147/04/07/00

MINUTES OF THE MEETING
WALGETT SHIRE COUNCIL CONSULTATIVE COMMITTEE

FILE: 145/04/07

The following are minutes of the Walgett Shire Council Consultative Committee Meeting held on Wednesday, 1st August 2007 in the Walgett Council Chambers, commencing at 3.05pm.

1. PRESENT

Ian Taylor	Chairperson (LGEA Representative)
Janet Babic	Deputy Chairperson (Management Representative)
Bronwyn Newton	Secretary
Roy White	Management Representative
John Radman	Committee Member
Andrew Bostock	Committee Member (United Services Union)
Len Smyth	Committee Member (DEPA Representative)

Observer:	**Terry Dray**	**United Services Union**
Observer:	**Robyn Davis**	**United Services Union**

2. APOLOGIES

Stephen McLean	Management Representative

3. MINUTES

The Minutes of the Consultative Committee Meeting held on Wednesday, 4th July 2007 were confirmed, with no amendments required.

4. BUSINESS ARISING

Correspondence from United Services Union

Mr Terry Dray advised the committee he had forwarded the following correspondence to Mrs Bronwyn Newton, Secretary:-

Gloucester City Council's – Drug & Alcohol Policy
Dubbo City Council's – Higher Duties Policy

Mrs Bronwyn Newton, Secretary advised that the documents had been received.

5. GENERAL BUSINESS

School to Work Program

Coordinator Human Resources, Mrs Bronwyn Newton advised the committee these documents are be used as a tool to appraise the students currently involved in the School to Work program to assess if they should be paid for their hours when working at Council.

The committee asked how many students were still involved in the program and are turning up. Coordinator Human Resources, Mrs Bronwyn Newton advised that Five (5) students commenced in the program and four (4) has been turning up each week.

The following amendment to the Position Description of School to Work Program was recommended by the committee:–
Responsibilities - Point 2
Spell out PPE – Personal Protective Equipment (PPE)

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the Position Description of School to Work Program with the following amendment:-

Responsibilities - Point 2
Spell out PPE – Personal Protective Equipment (PPE)

Short Term Salary Structure Changes

Note: - Barry Maher, Engineer Works arrived at the meeting 3.30pm.

Mr Barry Maher was invited to attend the Consultative Committee to discuss the proposed short term salary structure changes.

Mr Barry Maher gave the Committee an overview of the proposal and explained where extra staff members were required and why these staff members were needed.

Positions to be available for a 3 year term
Initially staff may be appointed on a casual basis or a Fixed Term Contract
Employment (Casual and/or Term contracts) is to be reviewed every Twelve (12) months
Renewal of term contracts and continuation of Casual employment will depend on budgetary constraints and satisfactory performance.

Casual employees may be sought through the local employment agencies. Fixed Term contract positions will be advertised.

Position descriptions for new positions to be forwarded to the Consultative Committee for endorsement.

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the concept of the proposed Short Term Salary Structure Changes.

It was also recommended that the Consultative Committee endorse the proposed positions on to the Organisational Structure for a Three (3) year term.

Note: - Barry Maher, Engineer Works departed the meeting 3.42pm.

There being no further business the meeting closed at 3.43pm

Next Meeting of the Consultative Committee Meeting will be held on 5th September 2007 at 3.00pm at the Council Chambers Meeting Room.

I advise that in accordance with my delegated authority, the determinations of the Consultative Committee contained in this report are approved.

Signed: _____ Mr Stephen McLean, General Manager

COMMITTEE MINUTES TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 35

Subject: Walgett Shire Consultative Committee Minutes - 5 September 2007

Author: Consultative Committee

File No: 147/04/07/00

MINUTES OF THE MEETING
WALGETT SHIRE COUNCIL CONSULTATIVE COMMITTEE

FILE: 145/04/07

The following are minutes of the Walgett Shire Council Consultative Committee Meeting held on Wednesday, 5th September 2007 in the Walgett Council Chambers, commencing at 3.05pm.

1. PRESENT

Ian Taylor	Chairperson (LGEA Representative)
Janet Babic	Deputy Chairperson (Management Representative)
Bronwyn Newton	Secretary
Stephen McLean	Management Representative
Roy White	Management Representative
John Radman	Committee Member
Len Smyth	Committee Member (DEPA Representative)

Observer: Terry Dray United Services Union

2. APOLOGIES

Andrew Bostock Committee Member (United Services Union)

3. MINUTES

The Minutes of the Consultative Committee Meeting held on Wednesday, 1st August 2007 were confirmed, with no amendments required.

4. GENERAL BUSINESS

Consultative Committee Constitution

The committee discussed the proposal to change the meeting time from 3.00pm to 2.00pm. Mr Stephen McLean enquired if the meeting closed before 4.30pm would it be feasible for outdoor staff Mr John Radman to return to work. Mr Roy White advised that he could ensure that work would be available for Mr John Radman to finish his day.

Mr Ian Taylor also enquired if a separate Council Report would be required to amend the Consultative Committee Constitution. Mr Stephen McLean advised that the Consultative Committee Meeting Minutes should be sufficient as they are presented to Council.

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the change of the meeting time to 2.00pm and amend the Consultative Committee Constitution to read as follows:-

Meetings shall be held on the first Wednesday of each month, commencing at 2.00 pm with special meetings as required with seven days notice being given.

Customer Service Officer (Finance)

Coordinator Human Resources, Mrs Bronwyn Newton advised the committee for informational purposes only that the Customer Service Officer (Finance) incumbent has had a Flexible Work Practice (Flexible hours arrangement) approved by her manager to work from 8.15am to 4.30pm with a half an hour lunch break two (2) days a week.

Coordinator Human Resources, Mrs Bronwyn Newton also advised the committee for informational purposes only that the Customer Service Officer (Finance) incumbent has had a Flexible Work Practice (Working From Home Arrangement) approved by her manager to occasionally work from home when she is unable to attend the office for the two (2) days a week.

The consultative Committee noted the Customer Service Officer (Finance) Flexible Work Practice (Flexible hours arrangement) and the Flexible Work Practice (Working From Home Arrangement).

Assistant Health & Building Surveyor

The Position Description for Assistant Health & Building Surveyor was submitted for endorsement by the committee. It was advised that the Position Description was being modified to update the qualifications.

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the Position Description of Assistant Health & Building Surveyor.

Executive Assistant to General Manager

Coordinator Human Resources, Mrs Bronwyn Newton advised the committee that this position is currently known as Customer Service Officer (Governance) and has had a position title change which will need to be reflected on the Organisational Structure and all associated documents.

The Position Description for Executive Assistant to General Manager was submitted for endorsement by the committee.

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the Position title change to Executive Assistant to General Manager on the Organisational Structure and all associated documents.

It was recommended that the Consultative Committee endorse the Position Description of Executive Assistant to General Manager.

GIS Coordinator

The Competency Criteria Document for the GIS Coordinator was submitted for endorsement by the committee.

RECOMMENDATION:

It was recommended that the Consultative Committee endorse the Competency Criteria Document of GIS Coordinator

There being no further business the meeting closed at 3.35pm

Next Meeting of the Consultative Committee Meeting will be held on 3rd October 2007 at 2.00pm at the Council Chambers Meeting Room.

I advise that in accordance with my delegated authority, the determinations of the Consultative Committee contained in this report are approved.

Signed: _____ Mr Stephen McLean, General Manager

LETTER OF APPRECIATION TO COUNCIL MEETING 16 OCTOBER 2007

Item No: 36

Subject: Letter of Appreciation – Funding for Saleyards

Author: TE Mania Angus

File No: 295/01/14/00

Summary:

Letter of Appreciation from TE Mania Angus thanking Council for authorising the funding for the development and upgrading of the sale ring facilities at the Walgett Saleyards.

Relevant Reference Documents:

Letter of Appreciation from TE Mania Angus.

Recommendation:

That the Letter of Appreciation be received and noted.

TE MANIA ANGUS
BREEDING BETTER BEEF

24 September 2007

Mr Steven McLean
General Manager
Walgett Shire Council
PO Box 31
Walgett NSW 2832

Re: **Funding for development of Walgett Saleyards**

Dear Steven,

I am writing to thank you for authorising the funding for development and upgrading of the sale ring facilities at the Walgett Saleyards.

From our perspective the sale ring worked very well and the development of the facility was instrumental in us choosing to relocate our northern spring bull sale from Roma to Walgett.

Once having made the choice to relocate our northern bull sale to Walgett we then involved many of the Walgett businesses in the process.

- Our bulls were feed at Jim Friend's feedlot Talbarear.
- Local Stock Agents Clemson Hiscox and Elders were conjunctional agents promoting the sale.
- Morning tea was offered by the Walgett Preschool with a nominal charge for morning teat being charged.
- We held a dinner the evening before our sale at Nolan's on the Barwon.
- Some of the beef was supplied by Manton's Butchery.

Many of the people that attended the sale were from outside of the region which I feel was a great positive as a result of your support.

We have already begun planning for next year's sale and expect that we will hold the sale sometime during the middle of September and on behalf of us all at Te Mania Angus I would like to thank you for the support.

Yours sincerely

Hamish McFarlane

Walgett Shire Council
REC'D
12 OCT 2007

FILE: 295/01/14/00

LETTER No: 8207

REFER: SJM.

COPY:

E-MAILED

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REPRESENTATIVE REPORTS TO COUNCIL MEETING 16 OCTOBER 2007

Item No:

Subject:

Author:

File No:

No Reports Submitted